

EXHIBIT A

NYSCEF DOC NO. 1637
NYS Attorney General v.
Donald Trump, et al.RECEIVED NYSCEF 11/15/2023
William Kelly, Michael Cohen
October 24, 2023

W. KELLY - PLAINTIFF - REDIRECT(MR. FINKELSTEIN) Page 2180	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2182
1 Q I congratulate you that after fearing litigation -- 2 THE COURT: No. It has to be a question. That's 3 what you are here for, to ask questions. He is here to 4 answer them and I make sure -- I'm here to make sure that 5 that happens.	1 THE COURT: Any recross-examination? Let's get the 2 next witness. The witness is excused. 3 THE WITNESS: Thank you. 4 (Witness excused.) 5 MS. FAHERTY: Your Honor, on behalf of the People, 6 Colleen Faherty, we call Michael Cohen as our next witness. 7 THE COURT: Okay. I had a feeling you would. 8 THE COURT OFFICER: Witness entering. 9 THE COURT OFFICER: Please raise your right hand. 10 Do you solemnly swear or affirm that any testimony you give 11 will be the truth, the whole truth and nothing, but the 12 truth?
6 MR. SUAREZ: Your Honor, I have no further 7 questions other than I congratulate the witness to have the 8 fortitude to put that in the letter. 9 THE COURT: Will there be any re-direct? 10 MR. SOLOMON: One minute of re-direct, Your Honor. 11 THE COURT: One minute, you got it. 12 THE COURT: Please proceed with your one-minute 13 redirect. 14 MR. KISE: Are they on the clock? 15 THE COURT: Yes. It is 12:09. I will stop them 16 him by 12:11.	13 THE WITNESS: I do. 14 THE COURT OFFICER: Please have a seat. State your 15 name and either business or home address for the record. 16 THE WITNESS: Michael Cohen, 502 Park Avenue, New 17 York, New York 10022. 18 MICHAEL COHEN, a witness called by the Plaintiff, 19 after having been first duly sworn by the Clerk of the Court, 20 took the witness stand and testified as follows: 21 THE COURT: Please commence the direct examination 22 of Mr. Cohen. 23 MS. FAHERTY: Thank you, Your Honor.
17 REDIRECT EXAMINATION 18 BY MR. FINKELSTEIN: 19 Q Do you recall on cross-examination you were asked about 20 your investigation about prior to resigning the engagement? 21 THE COURT: Sorry. I can't hear that question. I 22 didn't hear that question. 23 Q Do you recall on cross-examination you were asked about 24 your investigation prior to resigning the engagement? 25 A In general, yes.	24 DIRECT EXAMINATION 25 BY MS. FAHERTY:
W. KELLY - PLAINTIFF - REDIRECT(MR. FINKELSTEIN) Page 2181	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2183
1 Q During the investigation, did you learn that the Trump 2 Organization had failed to provide certain information to 3 Mazars? 4 A The investigation was done through and with counsel, so 5 I'm -- I think it's a privileged issue that I'm not going to 6 talk about. 7 THE COURT: Will you accept that? 8 MR. SOLOMON: Your Honor, finding out whether there 9 was or wasn't information withheld, without getting into the 10 details of what that information was, is not privileged. If 11 the witness -- but if the witness is taking that position. 12 MR. KISE: This is consistent with the position the 13 witness took in the deposition that all of these matters are 14 completely off limits, they're all privileged, and both 15 sides -- the Attorney General didn't question that. We 16 didn't question that. So to ask him that now and put him in 17 a position where he's got to make that determination is 18 inadmissible. 19 THE COURT: This is off the clock, though. I'm 20 sorry. It is only one minute. 21 MR. SOLOMON: Your Honor, the witness has asserted 22 privilege. And if Your Honor upholds that assertion, we 23 have nothing further. 24 THE COURT: I am upholding it. That's it. 25 MR. FINKELSTEIN: Nothing further.	1 Q Good afternoon. 2 A Good afternoon. 3 Q Before we begin, I just want to ask you a question. 4 Are you currently taking any medications that would impact your 5 ability to testify today truthfully and accurately? 6 A No. 7 Q Okay, thank you. 8 Can you, please, describe your educational background 9 after high school for me? 10 A College, four years, American University. Then three 11 years law school, Western Michigan Thomas M. Cooley School of 12 Law. 13 Q Did you say Cooley School of Law? 14 A Correct. 15 Q What year did you graduate from the Cooley School of 16 Law? 17 A 1991. 18 Q Do you hold any professional certifications or 19 licenses? 20 A Not any longer. 21 Q Did you previously hold any professional certifications 22 or licenses? 23 A I did. 24 Q What professional certification or license did you 25 previously possess?

M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY)	Page 2184	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY)	Page 2186
1 A JD, New York State Bar Association.		1 District of New York, is it correct that that was the criminal	
2 Q You were a licensed attorney?		2 charge of making a false statement to a financial institution in	
3 A Yes.		3 connection with the credit decision between the years 2015 to	
4 Q You don't hold any accounting degrees, right?		4 2016.	
5 A Correct.		5 A It was in connection with a HELOC, a home equity line	
6 Q What state were you licensed as an attorney?		6 of credit, application that they stated had a misrepresentation	
7 A New York State.		7 on it.	
8 Q Do you recall at what point in time your license was		8 Q And that's H-E-L-O-C?	
9 revoked to serve as an attorney of law?		9 A Correct. Acronym.	
10 A 2018.		10 Q And that would be in violation of 18 U.S. Code Section	
11 Q And what was the basis for your license to practice law		11 1014, correct?	
12 was revoked?		12 A Correct.	
13 A The charges that emanated from the Southern District of		13 Q And the seventh count, is it correct that you pled	
14 New York.		14 guilty to willfully causing an unlawful corporate contribution	
15 Q Fair to say that you have been convicted of a crime,		15 from in or about June to October of 2016?	
16 sir?		16 A Yes.	
17 A Correct.		17 Q And that is in violation of 52 U.S. Codes Sections	
18 Q And just to refresh your recollection, if I stated that		18 30118 (a), 30109 (d)(1)(a) and 18 USC Section 2(b)?	
19 there was a committee decision filed on February 28, 2019, do		19 A Yes.	
20 you have any basis to dispute that that was the date --		20 Q And then the eighth count of that criminal indictment	
21 A Oh, it would be 2019. Sorry. Yes.		21 in the Southern District of New York was a plea of guilty to	
22 Q Thank you.		22 making an excessive campaign contribution in or about October of	
23 What were the crimes that you were convicted of in		23 2016, yes?	
24 reference to your testimony just now about the Southern District		24 A Yes.	
25 of New York?		25 Q Then I think you also said that you pled guilty to a	
M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY)	Page 2185	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY)	Page 2187
1 A I pled guilty to five counts of tax evasion, one count		1 ninth count; is that correct?	
2 of misrepresentation to a financial institution, two counts of		2 A That's correct.	
3 campaign finance violation as well as one count of		3 Q Was that in a separate prosecution dated November 29th,	
4 misrepresentation to Congress, 1001 violation.		4 to 18?	
5 Q So let me see if I have these correct. You pled guilty		5 A It was 2018. Yes, it was.	
6 to five counts of evasion of assessment of personal income tax		6 Q Was that pursuant to a plea agreement with the Special	
7 pursuant to 26 U.S. Code Section 7201?		7 Counsel's Office that you made false statements to the United	
8 A Correct.		8 States Congress in violation of 18 USC Section 1001(a)(2)?	
9 Q And would that be for the calendar years of 2012		9 A Yes.	
10 through 2016?		10 Q And you were sentenced for those crimes?	
11 A Yes.		11 A I was.	
12 Q Was that related in connection with what business was		12 Q And did you attempt at any point to cooperate with the	
13 that tax evasion crime related to?		13 government in connection with your guilty pleas?	
14 A It wasn't connected to any specific business. It was		14 A I did cooperate with the government, yes.	
15 personal tax.		15 Q However, you did not receive 5K1 or substantial	
16 Q Okay. Was it related to anything in connection with a		16 assistance letter from the federal government, did you?	
17 taxi and limousine business you operated?		17 A No, I refused.	
18 A I owned New York City taxi medallions which were leased		18 Q Did you receive any downward variance or departure in	
19 to an agent. I had income from that agent which it was stated		19 your sentencing guidelines as a result of any cooperation you	
20 was not reflected in my tax returns.		20 may have provided to the government?	
21 Q And that -- the guilty plea in connection with those		21 A No.	
22 five counts of personal income tax evasion was accepted by a		22 Q There was no downward variance associated with the	
23 Federal Court in the Southern District of New York, correct?		23 sentencing guidelines?	
24 A Correct.		24 A The downward variance was a result of the plea, not	
25 Q And with regards to the sixth count in the Southern		25 because of any benefit that I would receive.	

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1 Q And the downward variance, about how long -- do you 2 recall the length of the sentence you were sentenced to? 3 A 36 months incarceration, 36 months between home 4 confinement and supervised release. 5 Q Was there also a concurrent two-month sentence imposed 6 as a result of the additional Special Counsel's Office 7 information? 8 A Yes. 9 Q And you did, in fact, serve that time in a federal 10 correctional facility? 11 A I did. 12 Q Have you ever made any public statements concerning the 13 legitimacy of those convictions? 14 A More than one. 15 Q And why did you do that? 16 A Because there was no tax evasion. At best, it could be 17 characterized as a tax omission. I have never in my life not 18 paid taxes. I have never requested an extension until 2017. 19 Every year I had paid, no extensions on time, what my CPA 20 accountant directed me to pay. 21 Q Were there, in fact, crimes that you pled guilty to 22 that you did feel you were guilty of committing those crimes? 23 A Yes. 24 Q So why, then, are you making statements about the 25 legitimacy of the Southern District convictions if there are	1 to J. Sekulow, Ivanka, Jared, Abby Gold (ph), Ty Cobb, many 2 people were involved in the formation of that statement. My 3 complicity resulted in -- from me reading it into the record 4 and asking that the document be made part of the record. 5 MR. KISE: Your Honor, I just move to strike that 6 entire answer. I don't know if that was a book that he was 7 writing, but it wasn't responsive at all to the question. I 8 mean, it was just a long narrative about, you know, 9 invective about Trump and who knows how many other people. 10 I'm sure I'm going to be included here soon, but I 11 don't -- I don't think that that was at all responsive to 12 the question. 13 THE COURT: Overruled. I believe it was 14 responsive. Could have been shorter, but it was responsive. 15 Q Fair to say you still stood up in court and said to the 16 Southern District of New York, "I'm guilty of certain crimes." 17 "I accept responsibility for the crimes." And you served 18 federal incarceration in connection with those crimes, correct? 19 A Correct. 20 Q And fair to say a prosecutor stood up in front of the 21 Southern District of New York and stated, "The" factual 22 allegations in support of the crimes for which you had been 23 indicted and pled guilty," correct? 24 A Correct. 25 Q And a federal judge accepted those factual allegations,
M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2189	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2191
1 some that you feel, for example, were not crimes like a tax 2 omission? 3 A One has nothing to do with the other. The tax 4 violations as I've stated many times should not have been 5 brought in and of itself. The same with the HELOC violation. I 6 had had a HELOC on my property for more than a decade and I 7 wanted to correct the record because when all of this started, 8 it was overwhelming, the amount of misinformation, 9 disinformation, mal information about me was overwhelming and 10 enormous. 11 On top of that, there was also the second campaign 12 finance violation which dealt with Karen McDougal. I 13 acknowledged my complicity in the Stormy Daniels matter, but the 14 Karen McDougal, I never paid Karen McDougal. I was tasked to 15 review documents to ensure that Mr. Trump was protected and that 16 was done through AMI, National inquirer and David Pecker, but I 17 am also lastly complicit with the lie to Congress and as I have 18 stated many times, it is important to finish the sentence and 19 talk about what that lie was. That lie was the number of times 20 that I stated to the Senate Permanent Select Committee on 21 Intelligence how many times I spoke to Mr. Trump about the 22 failed Moscow -- Trump Tower Moscow project. 23 I had stated three. The true answer was ten and I did 24 that at the direction of, in concert with and for the benefit of 25 Mr. Trump. There was a whole group of people from Alan Garten	1 that they would be proved in connection with your guilty plea, 2 correct? 3 A Correct. 4 Q And I believe you stated it, but in connection with the 5 crimes alleged concerning an unlawful corporate contribution, 6 was that alleged conduct performed during the course of your 7 employment at that time? 8 A Employment at the Trump Organization? 9 Q Yes, sir. 10 A Yes. 11 Q And for the crimes alleged concerning an excessive 12 campaign contribution, was the alleged conduct there performed 13 during the course of your employment at that time? 14 A Yes. 15 Q And who was your employer at that time? 16 A Donald J. Trump. 17 Q And for the crimes alleged concerning making a false 18 statement to Congress, was the alleged conduct performed during 19 the course of your employment at that time? 20 A Yes. 21 Q And who was your employer at that time? 22 A Donald J. Trump. 23 Q Am I correct that you were Mr. Donald J. Trump's 24 personal counsel, sir? 25 A I was.

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1 Q So let's take a step back and I want to talk further 2 about your professional background before the criminal 3 convictions, okay?		1 as well as representing various different business owners, some 2 of whom were in the auto business.	
4 A Sure.		3 Q And did there come a point in time when you joined a 4 firm named Phillips Nizer?	
5 Q What was the nature of your legal practice when you 6 first began working as an attorney, just generally?		5 A Yes.	
7 A Negligence, tort, medical malpractice.		6 Q When was that?	
8 Q Where did you work after you graduated law school?		7 A 2015, 2016. I'm sorry. 2006, 2007, somewhere in that 8 area. I'm sorry. 2005, 2006, in that area.	
9 A It is called Estrin & Associates, 225 Broadway.		9 Q 2005 or 2006?	
10 Q Med-mal negligence firm?		10 A Yeah.	
11 A Yes.		11 Q And what happened to the Michael D. Cohen & Associates 12 firm?	
12 Q How long were you there?		13 A Merged it into Phillips Nizer.	
13 A Five years.		14 Q At Phillips Nizer, did you have a title when you merged 15 together?	
14 Q Any titles associated with that position?		16 A I did.	
15 A Associate.		17 Q What was your title?	
16 Q Any other titles?		18 A I was a partner.	
17 A No, ma'am.		19 Q And how about once you joined Phillips Nizer; what was 20 the nature of your practice then?	
18 Q Did there come a point in time when you left Estrin?		21 A Business development as well as continuing with my 22 client base.	
19 A Yes.		23 Q The client base that you had developed when you were in 24 private practice at Michael D. Cohen & Associates?	
20 Q Where did you work after Estrin?		25 A Correct.	
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1 Q And for how long were you there?		1 Q Fair to say that your practice included commercial real 2 estate work?	
2 A From 1995 to 2002.		3 A Yes.	
3 Q And was it just the title of being the owner at 4 Manhattan Maintenance or was there another title associated with 5 that work?		4 Q Residential work as well?	
6 A I also had a law practice.		5 A Mostly for myself.	
7 Q Was there a name of a law practice?		6 Q Was it -- would you characterize the practice as a 7 litigation practice?	
8 A Michael D. Cohen & Associates.		8 A We had some litigation, but I would not say it 9 was -- it was primarily litigation at that time.	
9 Q In 2002, did there come a point in time when you left 10 the Manhattan Maintenance Company?		10 Q And did there ever come a point in time when you 11 stopped working for Phillip Nizer?	
11 A Yes.		12 A Yes.	
12 Q Tell me about that departure.		13 Q When was that?	
13 A I sold my half of the company to my ex-partner and 14 decided to take a little time for myself and ultimately then 15 created -- continued with the law practice elsewhere.		14 A That was in 2007.	
16 Q The Michael D. Cohen & Associates law practice?		15 Q And what occurred such that you stopped working for the 16 Phillip Nizer firm?	
17 A Yes.		17 A I had had a meeting with Mr. Trump at the Trump 18 Organization and he had asked me to join his company as 19 executive vice-president of the Trump Organization and special 20 counsel to him.	
18 Q And what was the nature of the Michael D. Cohen law 19 practice?		21 Q So in or about 2007, you joined the Trump Organization 22 to work --	
20 A It was predominantly negligence, tort, similar to what 21 I started with, but then I started doing some real estate and 22 some business law.		23 A March of 2007.	
23 Q Was that transactional work or can you describe for me 24 the nature of the real estate work you engaged in at that time?		24 Q And that was to work for Donald J. Trump?	
25 A It was acquisitions of real estate on behalf of clients		25 A Correct.	

	Page 2196	M. Cohen - Plaintiff - direct (Faherty)	Page 2198
1	Q Can you broadly describe that process about how -- of	1 counsel?"	
2	how you came to work for the Trump Organization, just broadly,	2 A Correct.	
3	please?	3 Q What was your understanding of what special counsel	
4	A I was introduced to Mr. Trump through his son Don, Jr.	4 meant?	
5	and it emanated from a dispute that took place at one of the	5 A I reported and only handled work for Mr. Trump and so I	
6	properties. I had owned a unit there, family members owned	6 was his special counsel. Whatever issues he had, whatever	
7	units there, friends owned units there, and the goal was to	7 created ire for him, he would bring it to me in order to	
8	remove the board and to replace the board with a more favorable	8 resolve.	
9	board.	9 Q So you were specifically serving as a personal counsel	
10	We did it successfully. As a result, I was asked to	10 to Donald J. Trump?	
11	handle a few other matters for Mr. Trump which also resulted	11 A Correct.	
12	successfully and ultimately while sitting in his office, he	12 Q Who did you report to at the Trump Organization?	
13	asked me if I would like to leave that sleepy, old firm, meaning	13 A Donald Trump.	
14	Phillip Nizer, and join him.	14 Q Anyone else?	
15	(Continued on the next page.)	15 A No.	
16		16 Q Was that true for the entire time that you worked at	
17		17 the Trump Organization?	
18		18 A Yes.	
19		19 Q So the only person who asked you to perform work was	
20		20 Donald J. Trump?	
21		21 A Correct.	
22		22 Q And the only person who would provide approval for the	
23		23 work you performed was Donald J. Trump?	
24		24 A Correct.	
25		25 Q Okay. And just so that I have the same understanding	
	M. Cohen - Plaintiff - direct (Faherty)	Page 2197	M. Cohen - Plaintiff - direct (Faherty)
1	Q Fair to say you accepted that invitation to join the	1 as you. I've used the phrase, "The Trump Organization."	Page 2199
2	Trump Organization in 2007?	2 What is your understanding of what the phrase "The	
3	A I did.	3 Trump Organization" means?	
4	Q And when I joined the Trump Organization in March of	4 A The Trump Organization is a company that is	
5	2007, did you have a title?	5 predominantly in real estate as well as branding. During the	
6	A I did.	6 times that I was there as well it also had television and media	
7	Q What was your title?	7 operations as well.	
8	A It remained the same from beginning to end, executive	8 Q And are there a series of common enterprise of	
9	vice president of the Trump Organization and special counsel to	9 corporate entities that operate under this umbrella term, "The	
10	Donald J. Trump.	10 Trump Organization?"	
11	Q Let's take to those in turn.	11 A Yes.	
12	Executive vice president of what? Was there a	12 Q Do you know who owns or is the beneficial owner of that	
13	particular department division that you were an EVP over?	13 enterprise of corporate entities under the umbrella "Trump	
14	A No, it was of the Trump Organization. It was just a	14 Organization?"	
15	standing. There were -- after Mr. Trump there were about a	15 A Yes.	
16	dozen plus executive vice presidents, including the three	16 Q Who is that?	
17	children and then others were vice presidents and so on. So it	17 A Mr. Trump.	
18	was basically a title of standing.	18 Q Okay. Focusing on the organization, were there	
19	Q Did EVP reflect a level within the hierarchy?	19 different departments at the Trump Organization, for example, an	
20	A Yes.	20 accounting department, a legal department?	
21	Q And where within the executive level hierarchy would an	21 A Yes.	
22	EVP have standing?	22 Q You didn't fit within the legal department, did you?	
23	A Directly under Mr. Trump.	23 A No.	
24	Q Thank you.	24 Q Your position was held outside of the legal department,	
25	And you also stated you had a second title, "special	25 yes?	

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1 A Correct.		1 Q So it may have been something along the lines of	
2 Q But there was an accounting department there?		2 executive vice president of development and acquisitions?	
3 A Yes.		3 A Development and acquisitions, yes.	
4 Q Who do you understand worked in the accounting		4 Q Did that refresh your recollection about the title?	
5 department at the Trump Organization?		5 A Yes.	
6 A Well, several people worked at the accounting, but the		6 Q Okay. Thank you.	
7 CFO for the Trump Organization was Allen Weisselberg.		7 And what is your understanding of Mr. Donald Trump,	
8 Q Anyone else you know who worked in the accounting		8 Jr.'s role during the time that you were employed at the Trump	
9 department other than the CFO, Mr. Weisselberg?		9 Organization?	
10 A There were many people, Deborah Tarasoff, Jeff		10 A Development in acquisitions of real estate	
11 McConney. When I first started there there was a gentleman by		11 opportunities that would be presented to the Trump Corporation.	
12 the name of Eric Sacher who then got replaced with -- I		12 Q And when we were talking about that hierarchy before,	
13 apologize. I am blanking on his name, but there was quite a few		13 fair to say that Mr. Donald Trump, Jr., he was at the top of the	
14 people in the accounting department.		14 hierarchy with the title executive vice president similar to	
15 Q And in the legal department, did you ever have occasion		15 you?	
16 to work with members who were employed within the legal		16 A Yes.	
17 department at the Trump Organization?		17 Q Okay. Are you familiar with the name Eric Trump?	
18 A Yes.		18 A I am.	
19 Q Does the name Jason Greenblatt sound familiar to you?		19 Q How are you familiar with that name?	
20 A When I started Jason Greenblatt was general counsel		20 A Worked at the company as well as I was on his Eric	
21 along with George Ross.		21 Trump Foundation board, which benefits St. Jude Children's	
22 Q And was he still at the Trump Organization by the time		22 Hospital working with family.	
23 you departed in 2017?		23 Q Another one of the Trump family members; correct?	
24 A Yes.		24 A Correct.	
25 Q How about Allan Garten? Is that a name you're familiar		25 Q And did Mr. Eric Trump hold the title during the time	
M. Cohen - Plaintiff - direct (Faherty)	Page 2201	M. Cohen - Plaintiff - direct (Faherty)	Page 2203
1 within the legal department?		1 while you were working at the Trump Organization?	
2 A Yes.		2 A Yes.	
3 Q Who is Alan Garten?		3 Q What was Mr. Eric Trump's title?	
4 A He was an attorney at the Trump Organization, also an		4 A Same as Don, Jr.'s executive vice president and	
5 executive, but he'd ultimately became general counsel after		5 development and acquisitions.	
6 Jason Greenblatt's departure to go pursue negotiations with		6 Q And what is your understanding of the work Mr. Eric	
7 Middle East after Mr. Trump became president elect.		7 Trump performed at the Trump Organization during the time you	
8 Q And fair to say you did not report to either of those		8 worked there?	
9 individuals, yes?		9 A Same development and acquisitions of real estate	
10 A Correct.		10 opportunities.	
11 Q I'd like to talk about some of the other Trump		11 Q Any particular areas that you're familiar with that he	
12 Organization executives.		12 had a specialty in?	
13 A Are you familiar with the name Donald Trump, Jr.?		13 A He concentrated on golf as well as again different	
14 A Yes.		14 opportunities that would come in to the company. Don, Eric and	
15 Q How are you familiar with that name?		15 Ivanka would split various opportunities where each one was	
16 A That's how I was first introduced to Mr. Trump was		16 attached to a specific opportunity.	
17 through his son and he is the namesake of his father.		17 Q And you beat me to my next question.	
18 Q And Mr. Trump, Jr., did he have a title during the time		18 A Are you familiar with the name Ivanka Trump?	
19 when you worked at the Trump Organization?		19 A I am.	
20 A Yes.		20 Q How are you familiar with the name Ivanka Trump?	
21 Q What was his title?		21 A Also one of Mr. Trump's three children, plus we also	
22 A Executive vice president and there was a second part to		22 live in the same building.	
23 it, which had to do with development.		23 Q And did Ms. Ivanka Trump have any titles during the	
24 Q Do you recall the specific title?		24 time when you were employed with the Trump Organization?	
25 A I don't.		25 A Yes.	

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1 Q What was the title Ms. Ivanka Trump held?		1 Q Do you know if he reported to anyone else at the Trump	
2 A Executive vice president of development and		2 Organization?	
3 acquisitions as well.		3 A Mr. Trump, if it would be necessary.	
4 Q And I didn't ask this question about Mr. Eric Trump,		4 Q Anyone else?	
5 but Ivanka, Donald, Jr. and Eric Trump, they all held the title		5 A Not that I'm aware of.	
6 executive vice president, yes?		6 Q And your general understanding of Mr. McConney's role?	
7 A Yes.		7 A He handled all of the bookkeeping.	
8 Q And they were in that higher level of the hierarchy,		8 Q Anything else you recall about Mr. McConney's role?	
9 yes?		9 A No, ma'am.	
10 A Yes.		10 Q Are you familiar with a document titled the Statement	
11 Q Ivanka Trump, Eric Trump, Donald Trump, Jr., did they		11 of Financial Condition for Donald J. Trump?	
12 report to you at anytime during your employment with the Trump		12 A I am.	
13 Organization?		13 Q And how are you familiar with that title?	
14 A No, ma'am.		14 A I've seen them as well as I've worked on them.	
15 Q To whom did those three individuals report to while you		15 Q Describe that for me. What do you understand generally	
16 were employed by the Trump Organization?		16 that document to be?	
17 A Their father.		17 A That was a complete listing of all of the assets of the	
18 Q Okay. Anyone else?		18 Trump Corporation, the Trump Organization with each asset broken	
19 A No, ma'am.		19 down into an asset class, the asset class described and the	
20 Q We've already stated the name Allen Weisselberg. He		20 value was placed on the asset, as well as any existing	
21 was the CFO of the Trump Organization, yes?		21 liabilities. The goal was to basically create a statement of	
22 A Yes.		22 financial worth.	
23 Q What understanding do you -- if any, do you have as to		23 Q For whom?	
24 his role at the Trump Organization?		24 A Donald J. Trump.	
25 A He was the chief financial officer. Every financial		25 Q And do you have any understanding about why the	
M. Cohen - Plaintiff - direct (Faherty)	Page 2205	M. Cohen - Plaintiff - direct (Faherty)	Page 2207
1 transaction went through his office.		1 document was created?	
2 Q Can you give me an example? What do you mean by that?		2 A Initially.	
3 A If there was an invoice that came to me, I would be		3 Q Yes.	
4 required to approve that invoice, put a line on, write		4 A No.	
5 "approved," sign my name, put another line underneath it and		5 Q During the time you were working at the Trump	
6 that would then get presented to Allen. It would then, of		6 Organization did you form any understanding about why the	
7 course, go to Mr. Trump's office for initial signature before a		7 document was created?	
8 check would be processed.		8 A It was to be used for purposes of demonstrating net	
9 Q So Allen Weisselberg managed the financials of the		9 worth for acquisitions for insurance purpose.	
10 Trump Organization?		10 Q Any other reasons?	
11 A Yes.		11 A Not that I'm aware of.	
12 Q Are you familiar with the name Jeff McConney?		12 Q And when you say that this document was to be used to	
13 A I am.		13 demonstrate net worth for acquisition for insurance purposes, is	
14 Q How are you familiar with the name Jeff McConney?		14 it your understanding that the document was to be shared with	
15 A Worked with him at the Trump Organization.		15 third parties or was that for internal purposes?	
16 Q And what is your understanding of Jeff McConney's		16 A Shared with third parties.	
17 titles that he -- title that he held while you were employed at		17 Q Do you have any understanding as to the ways in which	
18 the Trump Organization?		18 the Statement of Financial Condition in particular was used?	
19 A He was comptroller. He worked predominantly for Allen		19 A Yes.	
20 Weisselberg.		20 Q Describe for me some of those ways.	
21 Q So Mr. McConney worked in the accounting department,		21 A So as it related to insurance the document would be	
22 yes?		22 presented to the various insurance brokers that were brought to	
23 A Yes.		23 the company from the main broker, AON. They were permitted to	
24 Q Was he a direct report to Mr. Weisselberg?		24 take notes off of the document but not permitted to keep the	
25 A Yes.		25 actual document itself and the benefit was showing that the	

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1 assets had extremely high values with low liabilities in order 2 to obtain better insurance premiums.		1 Q Does this appear to be a document you may have worked 2 on during the time you were employed at the Trump Organization?	
3 Q You also mentioned acquisitions. Were the statements 4 of financial conditions presented to any third parties for 5 purposes of an acquisition?		3 A I don't recall.	
6 A Yes.		4 Q I'll draw your attention to the third page -- page four	
7 Q What third parties are you familiar with?		5 of this document, and it ends in the number 3134.	
8 A I was involved in the potential acquisition of the 9 buffalo bills.		6 A Yes.	
10 Q Any other acquisitions you can think of?		7 Q Do you see that page there?	
11 A The Miami Doral property.		8 A I do.	
12 Q Anything else?		9 Q Do you recognize this page as a document page you may	
13 A Not off the top of my head.		10 have worked on during your time period working for the Trump	
14 MS. FAHERTY: And I just want to check on timing, 15 Your Honor.		11 Organization?	
16 THE COURT: I was going to give you the five-minute 17 warning in one minute. So we'll break at 12:55.		12 A I do.	
18 MS. FAHERTY: Thank you, Your Honor.		13 Q How do you recognize this page? What do you recognize	
19 Q Turning back to the creation of the document focusing 20 on the time that you were employed at the Trump Organization.		14 it to be?	
21 And I'll draw your attention to the period beginning in 2011.		15 A I recognize the entire document.	
22 Do you have any understanding as to who created the document?		16 Q Describe for me that recognition.	
23 A I do not.		17 A It's a document that I have seen before. It's a	
24 Q Do you have any understanding as to whether -- as to 25 what, if any, individuals at the Trump Organization worked on		18 document that I had in my possession and a document that I just	
		19 recognize.	
		20 Q Were you ever asked to perform work on Mr.	
		21 Donald J. Trump's Statement of Financial Condition?	
		22 A Yes.	
		23 Q And before you tell me more about the work you were	
		24 asked to perform, was that work asked in your capacity as	
		25 Mr. Donald J. Trump's personal attorney or was it for a business	
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1 the specific numbers contained in that Statement of Financial 2 Condition beginning in 2011?		1 reason?	
3 A In 2011, I don't recall, but 2012 and '13, '14, and 4 '15, I do.		2 A For business reason.	
5 Q I'm going to show you some documents that have already 6 been admitted into evidence.		3 Q And what was the work you were asked to perform for	
7 MS. FAHERTY: So Tommy, if you don't mind handing 8 to the witness Plaintiff's Exhibit PX 787.		4 Mr. Donald J. Trump with regards to the Statement of Financial	
9 Q I'm going to hand you five of these documents and we'll 10 briefly just look at them, okay, Mr. Cohen?		5 Condition?	
11 A Yes.		6 A I was tasked by Mr. Trump to increase the total assets	
12 MS. FAHERTY: Tommy, the second document will be PX 13 815, the third will be PX 707, the fourth will be PX 730, 14 and the fifth will be PX 729. So we can start with PX 787.		7 based upon a number that he arbitrarily elected and my	
15 A Is it up on the screen?		8 responsibility along with Allen Weisselberg predominantly was to	
16 Q PX 787 is on the screen.		9 reverse engineer the various different asset classes, increase	
17 A Okay.		10 those assets in order to achieve the number that Mr. Trump had	
18 Q And just take a quick look at this document and tell 19 me, generally, if you recognize the form of this document, sir.		11 tasked us.	
20 A I do.		12 Q And when you say "achieve the number," what number are	
21 Q What do you recognize this to be?		13 you talking about?	
22 A This is the Statement of Financial Condition for Donald		14 A Whatever number Mr. Trump told us to.	
23 J. Trump.		15 Q Was it Mr. Trump's ultimate net worth as identified on	
24 Q And is it dated as of June 30, 2011?		16 the Statement of Financial Condition?	
25 A Yes, it states June 30th of 2011.		17 A Yes.	
		18 MS. FAHERTY: I think now would probably be a good	
		19 time to take a break, Your Honor.	
		20 THE COURT: Okay. You're giving up two minutes	
		21 here.	
		22 All right, we're going to break for lunch. See you	
		23 all if you want to come back at 2:15 on time, please.	
		24 (Whereupon, there is a luncheon recess in the	
		25 proceedings.)	

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1 A F T E R N O O N S E S S I O N		1 evidence.	
2 THE COURT OFFICER: All rise. Part 37 is back in		2 And I believe you testified before you have seen this	
3 session. The Honorable Judge Arthur Engoron presiding.		3 document before; correct?	
4 Make sure all cell phones are on silent. Laptops and cell		4 A Correct.	
5 phones will be permitted, but only to members of the press.		5 MS. FAHERTY: And let's turn to the third page of	
6 There is absolutely no recording or photography of any kind		6 this Document. One more.	
7 allowed in the courtroom. Now be seated and come to order.		7 Q Was this particular page of assets relevant to the work	
8 THE COURT: We just need a witness.		8 you performed on the Statement of Financial Condition?	
9 THE COURT OFFICER: Witness entering.		9 A Yes.	
10 (Whereupon, the witness enters the courtroom and		10 Q How is this particular page relevant to the work you	
11 approaches the witness stand.)		11 performed on the Statement of Financial Condition?	
12 THE COURT: Okay. Let's continue with the direct		12 A We would take this specific list of assets and we would	
13 examination of Mr. Cohen.		13 figure out which specific line to increase the number again to	
14 MS. FAHERTY: Thank you, Your Honor.		14 reverse engineer it into the total asset that Mr. Trump sought.	
15 CONTINUED DIRECT EXAMINATION		15 MR. KISE: Your Honor, objection on foundational	
16 BY MS. FAHERTY:		16 grounds. The witness has testified that he didn't look at	
17 Q Mr. Cohen, you recall at the break you testified to		17 any particular documents and then he testified before that	
18 reverse engineering numbers on the statements of financial		18 -- that he doesn't recall having anything to do with 2011.	
19 condition each year while you were working at the Trump		19 So now we're looking at 2011 and I don't believe the witness	
20 Organization, yes?		20 has any foundation to look at 2011.	
21 A Yes.		21 THE COURT: Did he say he wasn't sure about 2011?	
22 Q And I believe you were deposed in this case. Did you		22 MR. KISE: We can look back. I believe he said "I	
23 testify that between 2011 and 2015 you worked on those years'		23 don't recall working on 2011," but does recall working on	
24 Statement of Financial Condition?		24 '12, '13, '14, '15.	
25 A Again, I stated I don't recall if I worked on 2011, but		25 THE WITNESS: That's not what I said.	
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1 '12, '13, '14, '15, yes.		1 MS. HABBA: When he first took on the stand he said	
2 Q And you -- who assigned you the role of working on the		2 he did not work on 2011.	
3 Statement of Financial Condition?		3 MS. FAHERTY: And, Your Honor, I always appreciate	
4 A Mr. Trump.		4 when learned counsel can give me a -- I'm happy to ask some	
5 Q Anyone else?		5 additional questions to make the record clear, if that's	
6 A Mr. Trump.		6 okay.	
7 Q And did you work with anyone in connection with your		7 THE COURT: All right. Well, let's lay a	
8 work on the Statement of Financial Condition?		8 foundation if one can be laid for this.	
9 A Yes.		9 Q So what would be the basis for doing, for example, the	
10 Q Who?		10 work you performed on 2012? Would you make numbers out of thin	
11 A Allen Weisselberg.		11 air or was there a document or information you looked at in	
12 Q Anyone else?		12 order to calculate new numbers?	
13 A Directly with Allen Weisselberg.		13 A We would have taken the document that you have up right	
14 Q Describe that for me. What was the work that you did		14 now, the June 30, 2011 document, and we would mark it up by hand	
15 with Allen Weisselberg on the Statement of Financial Condition?		15 in order to increase each of the asset lines, again, to get to	
16 A We would take a look at the various different asset		16 the total asset number that Mr. Trump tasked us to achieve.	
17 classes that are broken down in the document and based upon the		17 Q And when you say, "we," who are you referring to?	
18 number that Mr. Trump wanted the document to ultimately state we		18 A Myself and Allen Weisselberg.	
19 would look at the assets and increase its values in order to		19 Q Did this conversation or these conversations marking up	
20 achieve the number.		20 the 2011 document, for example, occur in the presence of anyone	
21 Q And would you look at a particular document in order to		21 else?	
22 perform that task?		22 A Yes.	
23 A No.		23 Q Who?	
24 Q Let's pull out the 2011 Statement of Financial		24 A Mr. Trump.	
25 Condition, Plaintiff's Exhibit PX 787. It's already in		25 Q And what, if anything, do you recall Mr. Trump would	

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1 say about marking up the document referring in this instance to 2 the 2011 Statement of Financial Condition for the 2012 numbers? 3 A I would receive a phone call, generally it would be 4 from Rhona Graff, Mr. Trump's executive assistant, "Mr. Trump 5 would like to see you" and I would come into the office. Allen 6 Weisselberg would either already be there or come with me and 7 the topic was the Statement of Financial Condition. He would 8 look at the total assets and he would say, "I'm actually not 9 worth four and a half billion dollars. I'm really worth more, 10 like, six." Okay. He would then direct Allen and I to go back 11 to Allen's office and return after we achieved the desired goal. 12 Q And I'll direct your attention to the following page. 13 And at the bottom of this page do you see a line entry at the 14 top, it says, "liabilities and net worth." Do you see that 15 there? 16 A I do. 17 Q And at the bottom there is a line entry. It says "net 18 worth." Do you see that there? 19 A I do. 20 Q And was this particular number the number you were 21 tasked with bringing up according to Mr. Trump's directive as 22 you just testified? 23 A Yes. 24 Q Okay. Now, turning back to the first page. 25 Was there a particular procedure for you and		1 2012, you would look at the prior year's number; correct? 2 A Correct. 3 Q And you would go into Allen Weisselberg's office to 4 review the numbers to see where you could add value. Is that 5 fair? 6 A Fair. 7 Q And was anybody present for those conversations? 8 A There were people who had come in to the office that 9 were providing Allen with information, but these conversations 10 were primarily between Mr. Trump, myself and Allen Weisselberg. 11 Q And in the conversations between you and 12 Mr. Weisselberg in his office, how would you find these 13 comparable numbers? Was there a particular search you would do 14 or research you performed? 15 A Well, some of the assets that we used as comparables I 16 just know because I am in the real estate industry, so I read an 17 article about an apartment that, you know, that traded or I 18 would look on Google. 19 Q And did you keep the notes of your meetings with 20 Mr. Weisselberg as to the values you were adding to the asset 21 categories on Mr. Trump's Statement of Financial Condition? 22 A No. 23 Q Why not? 24 A I would sit down with Allen and we would make the 25 changes. That document would then be photocopied that had all	
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1 Mr. Weisselberg to distribute the assets on this page that you 2 would alter or backup the numbers into? 3 A There was no specific program within which to change 4 the numbers. It was, again, reverse engineering. 5 So, for example, if they brought on a new asset we, of 6 course, would add that to the list of assets, but then there 7 were also other assets like Trump Park Avenue. We would take 8 the number of units that Mr. Trump owned as the sponsor 9 developer of the property and we would look at numbers that were 10 being achieved elsewhere; what's the highest price per square 11 foot achieved in the city, and we would use those numbers in 12 order to inflate the value of these apartments. 13 Q Are those called comparables? 14 A Comparables -- you could call them comparables, but 15 comparables imply that they are similar. 16 Q And is it your understanding that the quote/unquote 17 "comparables" were not similar? 18 A No. 19 Q What is your basis for saying that? 20 A Some of the comps or comparables were predicated off of 21 ground up developments with nine, ten feet ceilings, 22 unobstructed views, not inhibited by rent stabilized or other 23 programs, so no, they were not comparables. They are just 24 different. 25 Q So Mr. Trump would task you with reaching a number for		1 of the changes at which point in time Allen and I would return 2 to Mr. Trump demonstrate that we achieved or close to the number 3 that he was seeking and I had no use for that document any 4 longer. 5 Transcript continues on the following page.... 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	

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<p>1 Q And at some point, did you become aware that the 2 numbers -- the values you had added to the Statement of 3 Financial Condition, let's focus on 2012, that they were 4 accepted by Mr. Trump?</p> <p>5 A Yes, he's the only one that could accept them.</p> <p>6 Q How did you come to understand that Mr. Trump accepted 7 the values you added to the Statement of Financial Condition for 8 2012?</p> <p>9 A Because he knew the Statement of Financial Condition 10 would be printed by Mazars who is the accounting firm for the 11 Trump Organization and we would receive the bounded copy.</p> <p>12 Q Did you have any relationship with Mazars in the 13 process of drafting the Statement of Financial Condition?</p> <p>14 A No.</p> <p>15 Q Who, if anyone, do you understand to have been 16 interacting with Mazars in the creation of the Statement of 17 Financial Condition?</p> <p>18 A Mr. Trump and Allen Weisselberg.</p> <p>19 Q And with regards to the process between the time Mr. 20 Trump tasked you with reverse engineering that net worth number 21 to the time when you met with Allen Weisselberg in his office to 22 eventually returning back to Mr. Trump with the numbers for his 23 approval, about how long did that process take?</p> <p>24 A For the most part, several days.</p> <p>25 Q And what, if any, understanding do you have as to who</p>	<p>1 appears to call for speculation based on the foundation that 2 has not yet been laid, but I don't -- I don't -- it is not 3 clear what he's testifying to at all.</p> <p>4 MS. FAHERTY: Your Honor, that appears to be a 5 perfectly fair question by me with a responsive answer and 6 if Mr. Kise disagrees with the response, he's perfectly 7 entitled to cross-examine.</p> <p>8 THE COURT: You want to just read it again for 9 everybody's benefit out loud, obviously.</p> <p>10 Q You made mention of the three adult children. What is 11 your understanding as to the three adult children's role in 12 assisting Mr. Weisselberg in valuing the assets in the Statement 13 of Financial Condition?</p> <p>14 MR. KISE: He has no foundation other than hearsay. 15 If that's what he's saying, unless he's testifying that he 16 spoke with the children directly, that's different.</p> <p>17 THE COURT: Well, I don't think he had to speak to 18 them. I think it was more of an observation, but see if you 19 can ask it again with -- either ask a foundation or the 20 question with more of a foundation. I'm not sure exactly 21 also the phrase "what's your understanding." What did you 22 see, observe, hear?</p> <p>23 Q Did you have -- you had a general understanding as to 24 Eric Trump's role at the Trump Organization while you were 25 employed there, yes?</p>
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<p>1 Mr. Weisselberg relied on to assist him in adding value to the 2 numbers on these Statements of Financial Condition?</p> <p>3 A Jeffrey McConney.</p> <p>4 Q Anyone else?</p> <p>5 A Potentially the children Don, Ivanka and Eric.</p> <p>6 Q What, if anything, is your understanding Mr. McConney 7 provided to Mr. Weisselberg on the asset values?</p> <p>8 A He had all the numbers. He was the one that controlled 9 the computer with the fobs in order to see, for example, cash 10 and marketable securities. He would also be the one to provide 11 Allen with the gross rent roll for 40 Wall Street or any of the 12 other assets that Mr. Trump owns that were being rented or 13 leased.</p> <p>14 Q And you made mention of the three adult children. What 15 is your understanding as to the three adult children's role in 16 assisting Mr. Weisselberg in valuing the assets in the 17 Statements of Financial Condition?</p> <p>18 A Well, first would be which projects that they 19 individually were spearheading and then to ask them what other, 20 you know, values exist for the purpose of this asset.</p> <p>21 MR. KISE: Objection, Your Honor. I'm not sure 22 that's entirely responsive, if at all responsive. Is the 23 witness testifying that he spoke with these individuals or 24 this is his understanding that one else spoke with these 25 individuals? The question calls for -- the question</p>	<p>1 A Yes.</p> <p>2 Q You similarly formed an understanding as to Donald 3 Trump, Jr.'s role at the Trump Organization while you worked 4 there?</p> <p>5 A Yes.</p> <p>6 Q Similarly, you formed an understanding of Ivanka 7 Trump's role while working at the Trump Organization?</p> <p>8 A Yes.</p> <p>9 Q Did you have occasion to observe Mr. Weisselberg 10 interacting with those three adult children as it concerned the 11 Statement of Financial Condition and his preparation of values?</p> <p>12 A I did not observe them specifically engage in 13 conversation.</p> <p>14 Q Did you at any point form an understanding that Mr. 15 Weisselberg was, in fact, consulting with the three adult 16 children with regards to his valuations on the Statements of 17 Financial Condition?</p> <p>18 A Yes.</p> <p>19 MR. KISE: Objection.</p> <p>20 THE COURT: I think the next question is taken with 21 the first question is acceptable, so...</p> <p>22 Q How did you form that understanding?</p> <p>23 A Allen would state that, "I need to speak to Don, 24 Ivanka, Eric" regarding whatever the asset was.</p> <p>25 THE COURT: Well, did he state that he did speak to</p>

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1 them beyond "I have to speak to them"?	1 A Yes.
2 THE WITNESS: No, he did not actually make that	2 Q For what year were you using the 2012 Statement of
3 overt statement. However, at the end, there was a new	3 Financial Condition to perform work on Mr. Trump's Statement of
4 Statement of Financial Condition that was compiled that had	4 Financial Condition?
5 the changes.	5 A That would then go for the 2013.
6 THE COURT: How do you know that the children had	6 Q So let's turn to the third page of this document. We
7 any input into those new numbers?	7 have it on the screen here. Similar to the prior year Statement
8 THE WITNESS: I do not.	8 of Financial Condition, right, listing of assets?
9 Q Any other understanding as to others who worked with	9 A Correct.
10 Mr. Weisselberg on the valuations for the Statements of	10 Q Then if we turn to the next page, "liabilities" and
11 Financial Condition?	11 "net worth," yes?
12 A Jeff McConney.	12 A Yes.
13 Q Other than Mr. McConney?	13 Q And there's a net worth entry at the bottom of the
14 A I don't know who else Allen spoke with.	14 page, correct?
15 Q And just to clarify, what were the methods of	15 A Correct.
16 communication you employed at the Trump Organization? Did you	16 Q Was that another net worth number that you were
17 communicate frequently via e-mail?	17 directed to reverse engineer to a higher number?
18 A No.	18 A Yes.
19 Q How about via text message?	19 MS. FAHERTY: Going back to the very first page.
20 A No.	20 Thank you, Ashley. The assets page.
21 Q How about handwritten notes concerning the Statements	21 Q Do you recall which assets for the 2013 values that you
22 of Financial Condition?	22 worked on in connection with your assignment to reverse engineer
23 A Only to the extent that we changed the numbers and the	23 the values on the Statement of Financial Condition?
24 changed numbers would be in red pen.	24 A Possibly Trump Tower, Trump Park Avenue, Trump World
25 Q And you didn't retain copies of those communications,	25 Tower United Nations, possibly 100 Central Park South to the
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1 right?	1 extent of the commercial, mansion at Seven Springs, Miss
2 A I do not believe so.	2 Universe Pageant as well as possibly other assets.
3 Q So looking at this exhibit, which is still on the	3 And again, the ways in which you would increase the
4 screen, the 2011 Statement of Financial Condition, focusing on	4 values of these particular asset classes, what would you do?
5 the work you performed for the 2012 valuation, what, if any, of	5 A Again, we would take a look at either comparables or
6 these assets do you recall that you provided valuations for?	6 new potential lease tenants, for example, in Trump Tower and
7 A Trump Park Avenue, Trump World Tower at United Nations,	7 come up with a multiple if you were taking that to market to
8 100 Central Park South to the extent it was part of the	8 securitize it.
9 commercial portion; properties under development specifically	9 Any other ways in which you would inflate the assets on
10 with Beverly Hills, Miss Universe Pageant and potentially other	10 these asset classes for the 2013 Statement of Financial
11 assets.	11 Condition?
12 Q And as to the other assets, was Allen Weisselberg	12 A Again, looking at comparables into the area Seven
13 responsible for those assets?	13 Springs was a little different because there was a deal that was
14 A Yes.	14 struck to subdivide the property. So we would look at if it was
15 MS. FAHERTY: Let's put that to the side. Can we	15 for the -- for this year, it could have been 2013 or -- with
16 pull out 2012, please.	16 the subdivision to provide some sort of number attached to each
17 Your Honor, I'm handing up to the witness the	17 individual parcel.
18 June 30, 2012 Statement of Financial Condition. It is	18 Q So is it fair to say you would Google a number for
19 marked already as an Exhibit PX 815.	19 assigning a value to the lots at the mansion at Seven Springs?
20 Q Do you recognize this document, Mr. Cohen?	20 MR. KISE: Objection. Leading.
21 A I do.	21 Q Describe for me the number.
22 Q And do you recognize this as a document that you worked	22 THE COURT: Sustained.
23 on in connection with Mr. Trump's assignment that you reverse	23 Q Describe for me the number that you would use for Seven
24 engineer the values on Donald J. Trump's Statement of Financial	24 Springs.
25 Condition?	25 A You look at some of the other homes that are in the

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1 area and you use that as a basis for the subdivision parcel 2 lots. 3 Q When you're looking up the -- these numbers, are you 4 calculating time as a factor in those values? 5 A No. 6 Q Is the value an immediately-achieved number that you're 7 assigning? 8 A No. 9 Q Is the number a comparable or a reasonable comparable, 10 I think we spoke about comparables before, to the asset class? 11 A It would depend. 12 MR. KISE: Objection. Is this witness now 13 testifying as an expert witness on real estate or are we 14 going to add that to his series of credentials? I don't 15 know that he is -- that question calls for expert -- an 16 expert conclusion. Is it a reasonable comparable? That's 17 the province of an expert and unless Mr. Cohen -- the 18 prosecution wants to qualify Mr. Cohen as an expert in that, 19 I'm sure he'll answer it and say he is. 20 THE COURT: I found it a confusing question. I 21 will sustain the question. 22 MS. FAHERTY: That's okay. I want to ask the 23 question in a non-objectionable way, Your Honor, so give me 24 a moment, please. 25 THE COURT: Of course.	1 Q And do you know if any of the adult children also 2 performed work at the Seven Springs -- for Seven Springs, LLC, 3 a Trump Organization entity? 4 A I don't know which one, no. 5 Q Same question that I was asking before about 2013. Who 6 tasked you with adding values to the Statement of Financial 7 Condition for that year? 8 A That would be Mr. Trump. 9 Q And who did you perform that work with with inflating 10 the assets for 2013? 11 A Allen Weisselberg. 12 Q Similar to the work you performed in 2012? 13 A Yes, it was an annual recurring process. 14 Q Approximately how long in 2013 would that take to go 15 from being assigned adding the value to the time you brought it 16 to Mr. Trump for his approval? 17 A Again, several days. 18 Q Any understanding whether or not Mr. Trump did approve 19 of the asset values you added to the Statement of Financial 20 Condition for that year? 21 A In the same way as previously described. 22 Q And if I asked you the same questions for the following 23 year, for 2014 -- 24 A Yes. 25 Q -- would your answers be any different?
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1 Q So you made mention that the Seven Springs asset was a 2 little different. Your testimony just now, was that specific to 3 the particular year 2013 or is that a general recollection? 4 A General recollection. I don't know if it was 2012, 5 '13. 6 Q You generally have a recollection, though, that you 7 were looking at other comparable assets that could value the 8 subdivided property at Seven Springs; is that fair? 9 A Yes. 10 MR. KISE: Objection. Leading. 11 Q How would you describe -- 12 THE COURT: Wait. Wait. Sustained. 13 Q How would you describe those comparable assets that you 14 were looking at for the purpose of that Seven Springs 15 subdivision? 16 A I'm sorry. I don't understand your question. 17 Q What were you looking at? How were you coming up with 18 the numbers? 19 A So I know the area where Seven Springs is located. 20 It's the top of the hill, the very top and we looked at -- I 21 looked at, for example, the value of a house that was beneath 22 Mr. Trump's property, Nelson Peltz, and we took that as a number 23 and then we added to it because it would be new construction, it 24 is higher up the hill and so on, and that's how we ended up 25 increasing.	1 A No. 2 Q How about in 2015; would your answers be any different? 3 A No. 4 Q And let's just take a quick look at the 2013 Statement 5 of Financial Condition which is -- Tommy, I'm so sorry. 707. 6 Do you recognize that document there? 7 A I do. 8 Q Let's turn to the third page. Do you recognize that 9 asset page? 10 A I do. 11 Q And that was the asset page you worked on to increase 12 the values for the 2014 Statement of Financial Condition? 13 A Correct. 14 Q And turning to the next page, do you see that net worth 15 entry there? 16 A Yes. 17 Q Is that the net worth line that you were tasked with 18 reverse engineering higher by Mr. Trump? 19 A Yes. 20 MS. FAHERTY: Can we pull out 2015, which is we are 21 looking at 730. Sorry, Tommy. 729. Thank you. Can you 22 pull out 730, too. 23 Q So I put 2014 -- let's look at 2014 first which is 730 24 in front of you. Do you recognize that document? 25 A I do.

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1 Q That's the 2014 Statement of Financial Condition?	1 demonstrate his ability to purchase the team.
2 A Yes.	2 Q And did you have the permission of Mr. Trump to be able
3 Q And turn to page three of this document. Again, this	3 to use the Statement of Financial Condition?
4 is the assets page that you and Mr. Weisselberg worked on	4 A Yes.
5 together?	5 Q Were you directed by Mr. Trump to use the Statement of
6 A Correct.	6 Financial Condition to flout his wealth?
7 Q And then turning to the next page, that net worth line	7 A Yes.
8 appears to have gone up from prior year, yes?	8 Q I want to turn your attention to insurance. Did you
9 A Correct.	9 work on the insurance program for the Trump Organization?
10 Q That was the net worth number that Mr. Trump assigned	10 A I did.
11 you to inflate back into?	11 Q Did you work with others on the -- at the Trump
12 A Correct.	12 Organization on the insurance program?
13 Q And then turning to Exhibit 729, you recognize that	13 A Yes.
14 document there?	14 Q Who did you work with at the Trump Organization?
15 A I do.	15 A Allen Weisselberg, CFO; Matthew Calamari, Sr., chief
16 Q Same assets page that you were assigned?	16 operating officer; and Ronald Lieberman.
17 A Yes.	17 Q Did that group of four individuals have a specific
18 Q Turning to the following page, net worth number there	18 title or association that they were known by?
19 now six million. You see that there?	19 A The gang of four.
20 A Yes.	20 Q Did you say, "the gang of four"?
21 Q And that was a net worth number you were tasked with	21 A Some called it the group of four or the gang of four.
22 backing into to make higher pursuant to Mr. Trump's direction?	22 Q And how did you know Matthew Calamari, Ron Lieberman,
23 A Correct.	23 Allen Weisselberg come to be known as the gang of four?
24 Q You can put those down. Thank you.	24 A I believe Pam Newman from Aon came up with the name.
25 Do you recall when you stopped working on the	25 Q And can you remind me who Aon is?
M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2233	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2235
1 Statements of Financial Condition?	1 A Aon is the broker that handled the insurance for the
2 A I believe around for the 2016.	2 Trump Organization for all the insurance.
3 Q What is your understanding as to why you stopped	3 Q So a broker, they go out and find insurance programs to
4 working on the Statement of Financial Condition values?	4 present to the organization?
5 A I was busy doing other things.	5 A Correct.
6 Q Were you ever in possession of one of Mr. Donald J.	6 Q They didn't provide the actual insurance, right?
7 Trump's Statement of Financial Condition in final form?	7 A No, they're brokers.
8 A Yes.	8 Q You said the name was Pam Newman?
9 Q That was yours to use for business purposes?	9 A Correct.
10 A It was given to me to use for business purpose.	10 Q Who assigned you and those three other individuals, Mr.
11 Q And when would you use that Statement of Financial	11 Weisselberg, Mr. Calamari, Mr. Lieberman, to work on the
12 Condition? Can you provide me an example?	12 insurance program?
13 A So in 2013, there was a journalist for a New York	13 A All final decisions were done by Mr. Trump.
14 centric magazine called The Real Deal. The journalist's name	14 Q Mr. Cohen, I'm handing you an exhibit. We marked for
15 was Katherine Clarke and Katherine Clarke was going to do a	15 identification as PX-3119. I'll give you a minute to take a
16 story, a feature story on Mr. Trump's net worth. And so when	16 look at that document. I also put it on the screen. Do you see
17 she came to see me at the office, I presented her with the	17 that document in front of you, sir?
18 document. She could not keep it. She could take notes in order	18 A I do. Can I have just one moment to look through it?
19 to create the story about how much Mr. Trump was actually worth.	19 Q Yes. Absolutely.
20 Q So is that generally how you would come to use the	20 A Thank you.
21 Statement of Financial Condition?	21 (Witness reviewing document.)
22 A That's one example.	22 A Okay.
23 Q That's one example. Another example, do you have any?	23 Q So drawing your attention to the top of this e-mail, do
24 A When Mr. Trump was interested in putting in a bid for	24 you recognize the name Martha Blackman or
25 the Buffalo Bills, we used that statement in order to	25 martha.blackman@aon.com?

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1 A Yes.		1 Q What does it mean that his role was coverage buying	
2 Q Who do you recognize that name to you?		2 decisions?	
3 A She worked for Pamela Newman at Aon.		3 A Ultimately, he would be the one to take the premium	
4 Q Is that acknowledged in the following line on behalf of		4 after we negotiated and that would be again Matt Calamari, Ron	
5 Pamela Newman right below?		5 Lieberman, myself and Allen to Mr. Trump in order to bind the	
6 A Yes.		6 policies.	
7 Q This appears to be an e-mail sent on February 14, 2013		7 Q Was he in charge of financial information with regards	
8 addressed to Allen Weisselberg at the Trump Organization,		8 to the insurance program as well?	
9 Matthew Calamari, Ron Lieberman and you. That's your e-mail		9 A Yes.	
10 address, mcohen@trumporg.com?		10 Q Was he in charge of sharing financial information with	
11 A It was.		11 regards to the insurance program?	
12 Q Thank you for the clarification. The cc line, do you		12 A To whom?	
13 recognize generally that those are e-mail addresses associated		13 Q Sharing financial information.	
14 with employees at Aon, the insurance broker?		14 A But share it with whom?	
15 A Yes.		15 Q We'll come back to that question.	
16 Q The subject is, "Forward, the Trump/Aon team-suggested		16 A Okay.	
17 work style going forward (draft memo number 4 with updated		17 Q And next is Matthew Calamari, the executive	
18 timeline)" and then there's an attachment. Do you see that?		18 vice-president and chief operating officer of the Trump	
19 A I do.		19 Organization, yes?	
20 Q Drawing your attention to the body of the message, it		20 A Yes, ma'am.	
21 says, "Gentlemen, Aon is committed to delivering to the Trump		21 Q What is your understanding of his role with property	
22 Organization the best service and the best results." Then it		22 claims?	
23 states, "Work style-A, team of four."		23 A So Matthew Calamari, Sr. handled all of the claims as	
24 Is that a reference to what you were just describing a		24 it related to anything that dealt with the insurance. If there	
25 moment ago, the gang of four who worked on the insurance		25 was an auto accident, he would handle it. If there was a	
M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY)	Page 2237		Page 2239
1 program?		1 Workers' Compensation claim, he would handle it. If there was a	
2 A Yes.		2 loss, an insurance loss, he would handle it.	
3 MS. FAHERTY: Your Honor, I move to admit this into		3 Q He was responsible for those aspects of the insurance	
4 evidence.		4 program, right?	
5 MS. HABBA: Objection. Statute of limitations.		5 A Yes, ma'am.	
6 THE COURT: Overruled. It is in evidence.		6 Q And then Mr. Lieberman, he's next in the line,	
7 (Whereupon, the Document was marked in evidence as		7 executive vice-president management and development, what is	
8 Plaintiff's Exhibit 3119.)		8 your understanding of his role as described here in this box?	
9 MS. FAHERTY: Thank you.		9 A During the process, things that would be looked at, of	
10 Q So this paragraph under, "A team of four" states, "Aon		10 course, as casualty risk, again claims and also coverage buying	
11 is excited that the Trump Organization has created a team of		11 decisions in terms of what needed, what didn't -- his	
12 four to review the Trump Organization's insurance program,		12 background is he came from the City Parks Department and so he	
13 insurance policy buying decisions, claims management and risk		13 had a good understanding of casualty risk.	
14 protection protocols."		14 Q And then you're the fourth person in this box, yes?	
15 Is this an accurate description that it was the Trump		15 A Correct.	
16 Organization that created the "team of four" or "gang of four"		16 Q And what does that mean, "coverage terms and	
17 as you referred to it just a moment ago?		17 conditions" associated with your role?	
18 A Yes.		18 A It sort of encompasses the other boxes whereby we	
19 Q And then it states that the "team of four and each		19 needed to make sure that the coverage terms were advantageous to	
20 member's role is outlined below." Do you see the box in the		20 the Trump Organization and the conditions of the insurance	
21 middle of the page there?		21 properly insured the assets.	
22 A I do.		22 (Continued on the next page.)	
23 Q First it identifies Allen Weisselberg, he was the		23	
24 executive vice-president and CFO of the Trump Organization, yes?		24	
25 A Correct.		25	

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1 Q You can put that to the side. Thank you.		1 Q And under the heading "Trump Organization," is that	
2 Are you aware if the Statement of Financial Condition,		2 your name listed there?	
3 we talked a little bit about it, whether the statements of		3 A It is.	
4 financial condition were ever presented during any of the		4 Q And the other names Allen Weisselberg, Matthew	
5 gang-of-four meetings with underwriters?		5 Calamari, Ron Leiberman. That's the gang of four, yes?	
6 A Yes.		6 A Correct, the group of four.	
7 Q What is your understanding as to when the Statement of		7 Q Group of four.	
8 Financial Condition would be shared in these gang-of-four		8 And then George Sorial, he's an employee of the Trump	
9 meetings with underwriters?		9 Organization?	
10 A Pamela Newman would set up a meeting that would include		10 A He is.	
11 various different insurance company executives and we would meet		11 Q How about Adam Rosen?	
12 in one of the conference rooms across the table from one another		12 A Yes.	
13 and Allen would provide each and every one of them with a copy		13 Q And what about Patrick Birney?	
14 -- a bound copy of the Statement of Financial Condition.		14 A Yes.	
15 Once again, they were told that they can copy, they can		15 Q And there is another subheading, "AON." Do you see	
16 take notes off of it, but they cannot keep the original		16 that there?	
17 document.		17 A I do.	
18 Q So insurance underwriters were provided the statements		18 Q Pam Newman, that's who we've been speaking about?	
19 of financial condition by Allen Weisselberg, yes?		19 A Yes.	
20 A Yes, that was the word I was looking for, underwriter.		20 Q She was the broker?	
21 Q And those underwriters were permitted to review those		21 A Yes.	
22 statements, yes?		22 Q And Regina Degnan, do you recognize that name?	
23 A Encouraged to.		23 A I do.	
24 Q And take notes?		24 Q Who is Regina Degnan?	
25 A Yes.		25 A She was Pamela's executive vice president. Ultimately	
M. Cohen - Plaintiff - direct (Faherty)	Page 2241	M. Cohen - Plaintiff - direct (Faherty)	Page 2243
1 Q On the information contained in those statements; is		1 took her book of business when Pam retired.	
2 that correct?		2 Q And fair to say Pam Newman was the relationship partner	
3 A That's correct.		3 at AON?	
4 Q I'd like to show you another document.		4 A Yes.	
5 MS. FAHERTY: Your Honor, I'm handing up to the		5 Q And Regina then succeeded her as the relationship	
6 witness a document we've marked as Plaintiff's Exhibit		6 partner for the Trump Organization's relationship program?	
7 PX-588.		7 A Correct.	
8 Q And I'll represent to you, Mr. Cohen, this is the way		8 Q Do you recognize the name John Vanasco?	
9 this document was provided to us. It's four pages, but I think		9 A I do.	
10 the first two pages are identical to the second two pages, so if		10 Q How do you recognize that name?	
11 you want to take a moment to review, I'll just focus your		11 A From the meetings.	
12 attention on those first two pages, please.		12 Q Okay. And what about Michael Fetchko. Do you	
13 Okay. Do you see this document in front of you? It's		13 recognize that name?	
14 on a letterhead "AON," right? You see that in the upper right		14 A I don't.	
15 hand corner?		15 Q Any reason to doubt that Mr. Fetchko was an employee of	
16 A Correct.		16 AON?	
17 Q And there is a heading, "Agenda, "The Trump		17 A No.	
18 Organization LLC D&O Underwriting Meeting," dated Tuesday,		18 Q Okay. And then under that subheading there is another	
19 January 10, 2017, 10:00 a.m. and 11:00 a.m..		19 subheading, "markets." Do you have an understanding of the	
20 And is that the address of the Trump Organization, 725		20 markets?	
21 Fifth Avenue?		21 A They're talking about the various different insurance	
22 A It is.		22 markets because the Trump Organization is comprised of many	
23 Q And then there is a -- in the center of the page, a		23 different assets and many different classes.	
24 header "Attendees." Do you see that there?		24 Q So is this is an example of an agenda for Trump	
25 A Yes.		25 Organization D&O Underwriting Meeting that occurred at the Trump	

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1 Organization on Tuesday, January 10, 2017?		1 MS. FAHERTY: Can we do 3166?	
2 A Yes.		2 I'm going to ask Tommy to pull Exhibit 3166.	
3 Q Okay.		3 Tommy, my mistake. You don't have it.	
4 MS. FAHERTY: Your Honor, I move to admit this into		4 Your Honor, I've marked for identification	
5 evidence.		5 plaintiff's PX 3166. I've handed it up to the witness.	
6 THE COURT: Granted. It's in.		6 Q Mr. Cohen, I'll give you a moment to review that	
7 (Whereupon, the item previously referred to is		7 document and let me know when you're ready.	
8 received and marked Plaintiff's Exhibit Number 588 in		8 MR. KISE: Your Honor, just briefly, what was the	
9 evidence.)		9 last exhibit number? Was that in evidence, the one right	
10 Q Do you have a specific recollection of recalling this		10 before this? What was the last exhibit? I'm sorry.	
11 underwriting meeting, Mr. Cohen?		11 MS. FAHERTY: 588.	
12 A No, ma'am.		12 MR. KISE: 588, okay. Thank you.	
13 Q Any reason to doubt that you didn't have an underwrite		13 MS. FAHERTY: And that was already in.	
14 -- D&O underwriting meeting on Tuesday, January 10, 2017?		14 MR. KISE: It was already in, right.	
15 A No.		15 MS. FAHERTY: Your Honor, I move to admit	
16 Q Involving Everett?		16 Plaintiff's Exhibit 588.	
17 A No.		17 THE COURT: Was it already in or wasn't it?	
18 Q Or HCC?		18 MS. FAHERTY: Apparently it wasn't already in. I	
19 A No.		19 misunderstood.	
20 Q Okay. And just drawing your attention to the second		20 THE COURT: It's now admitted into evidence.	
21 page of this agenda. Looking in the middle of this "questions,		21 MS. FAHERTY: Thank you, Your Honor. I appreciate	
22 discussions, topics agenda," do you see in the middle of the		22 it.	
23 page there is a subtopic "financial?"		23 MR. KISE: Thank you.	
24 A I do.		24 (Whereupon, the item previously referred to is	
25 Q Is this a reference to the conversation we were having		25 received and marked Plaintiff's Exhibit Number 588 in	
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1 a short while ago that underwriters would add as part of the		1 evidence.)	
2 agenda wanting to see financials in connection with quoting		2 THE COURT: The witness just going to take a little	
3 premiums for the Trump insurance program?		3 motion break I'll call it. Says it will be a minute.	
4 A Yes.		4 THE COURT OFFICER: Witness returning. Come to	
5 Q Okay.		5 order.	
6 MS. FAHERTY: We can put that to the side.		6 THE WITNESS: Thank you, Your Honor.	
7 Thank you.		7 THE COURT: You're welcome. Let's continue.	
8 Q And was Mr. Trump ever involved in these group of four		8 MS. FAHERTY: Thank you.	
9 insurance meetings?		9 THE WITNESS: Apologies.	
10 A Yes.		10 Q It's okay.	
11 Q Describe that for me.		11 Did you have a moment to review the document in front	
12 A In two different ways: First way, would be on rare		12 of you, Mr. Cohen?	
13 occasion we would go to his office to discuss an insurance		13 A I did.	
14 issue, but for the most part about three quarters of the way		14 Q And looking at the top of this e-mail, it is from	
15 through the meeting Mr. Trump would then come in and there would		15 SariRudman@AON.com.	
16 be a conversation about his extensive net worth, he's actually		16 Do you have any understanding as to who Sari Rudman is?	
17 richer than the insurance companies, "maybe we should go self		17 A Yes.	
18 insured. We got to get a good premium."		18 Q Who is that?	
19 Q And would Mr. Trump ever appear at these meetings		19 A She also worked for Pam Newman at AON.	
20 talking about his net worth to the underwriters themselves?		20 Q And this is an e-mail sent on March 19, 2013. Again,	
21 A Yes. That's what I was referring to three quarters		21 it's sent to the group of four, yes?	
22 through the meeting he would generally show up.		22 A Correct.	
23 Q And would you coordinate these gang-of-four meetings		23 Q And there is a copy here to an individual named Rhona	
24 such that Mr. Trump could arrange to arrive like that?		24 Graff. Do you recognize that name?	
25 A It was coordinated that he would arrive like that.		25 A I do.	

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1 Q Who is Rhona Graff?		1 evidence.	
2 A Mr. Trump's executive assistant.		2 THE COURT: Granted. It's in evidence.	
3 Q Okay. How about the e-mail address		3 (Whereupon, the item previously referred to is	
4 HLo Lorenzo@Trumporg.com?		4 received and marked Plaintiff's Exhibit Number 3166 in	
5 A That would be Holly Lorenzo.		5 evidence.)	
6 Q Do you have any understanding as to who Ms. Lorenzo is?		6 MR. KISE: Statute of limitations, Your Honor.	
7 A Yes.		7 THE COURT: Overruled. Did we get an answer? I'll	
8 Q Who is that?		8 ask Ms. Faherty. Did he answer all your questions?	
9 A That's one of Mr. Trump's assistants. She was the		9 MS. FAHERTY: He answered my question.	
10 assistant for the executive assistant.		10 THE COURT: No reason to dispute etc., etc.	
11 Q She was an assistant for Ms. Graff?		11 THE WITNESS: And my answer was no.	
12 A Yes.		12 THE COURT: No, okay.	
13 Q Thank you for the clarification.		13 MS. FAHERTY: Thank you, Your Honor.	
14 And Ms. Newman? We spoke about her, yes?		14 THE COURT: Sure.	
15 A Correct.		15 Q Mr. Cohen, I want to turn your attention to the Buffalo	
16 Q Okay. And the subject of this e-mail is a forward		16 Bills. You made mention of it earlier, okay?	
17 "Property casualty marketing meetings re: 2013 renewal-Tuesday,		17 A Correct.	
18 April 9, 2013 at 3:00 p.m.-at The Trump Organization," yes?		18 Q All right. Do you recall who was involved in that	
19 A That's what it says, yes.		19 process with you from the Trump Organization?	
20 Q And in the body of this message, it says:		20 A Mr. Trump, Allen Weisselberg and myself.	
21 "Dear, gentlemen. Please note in your calendar Rhona		21 Q Anyone else? How about Jason Greenblatt?	
22 has kindly secured Mr. Trump's availability for Tuesday,		22 A Yes, Jason Greenblatt.	
23 April 9, 2013 at 3:00 p.m. at the Trump Organization, 25th		23 Q What about Ivanka Trump?	
24 floor. We will provide a list of all attendees in an agenda and		24 A Not that I recall.	
25 meeting purpose. Best, Pamela." Do you see that there?		25 Q Okay. Did you work with Deutsche Bank on the process?	
M. Cohen - Plaintiff - direct (Faherty)	Page 2249	M. Cohen - Plaintiff - direct (Faherty)	Page 2251
1 A I do.		1 MR. KISE: Objection. What process?	
2 Q Is this the matter in which you will confirm		2 Q We turned our attention to the Buffalo Bills.	
3 Mr. Trump's attendance at these insurance group of four		3 So what, if anything, do you recall about Deutsche	
4 meetings?		4 Bank's involvement in the attempt to purchase the Buffalo Bills?	
5 A No.		5 A We had had a meeting in Mr. Trump's office with members	
6 Q Tell me what this.		6 of Deutsche Bank's team for the purpose of securing a loan that	
7 A This was obviously Pam Newman's acknowledgement		7 would be predicated off of his assets so that we could acquire	
8 Mr. Trump was going to appear, but we didn't need even this		8 the -- or at least put in a bid to acquire the Buffalo Bills.	
9 letter to have already discussed that he would make the		9 There is an interesting NFL scenario where you cannot	
10 appearance three quarters of the way through the meeting.		10 have more than ten percent of an NFL team financed --	
11 Q But this is an example that Mr. Trump did in fact have		11 MR. KISE: Objection. Move to strike the last	
12 it scheduled to appear for a Trump underwriting meeting, yes?		12 portion of that answer, Your Honor, unless Mr. Cohen is now	
13 A Yes.		13 an expert on NFL acquisitions.	
14 MR. KISE: Objection. Leading.		14 I mean, I represented, George Steinbrenner in 1995	
15 THE COURT: Sustained.		15 in connection with the Tampa Bay Buccaneers purchase, but	
16 Q No reason to dispute that this is the -- this e-mail		16 I'm not an expert on that. I'm not sure if Mr. Cohen is an	
17 identifies Mr. Trump's attendance of the Trump Organization		17 expert on NFL acquisitions, but the last port portion of his	
18 meeting?		18 nonresponsive.	
19 MS. HABBA: That was leading. Objection.		19 THE COURT: If it was nonresponsive that would be	
20 THE COURT: Could you read that back?		20 my objection.	
21 (Whereupon, the requested portion of the		21 Sustained on the ground of nonresponsive, the last	
22 proceedings was read back by the court reporter.)		22 part of it, the ten percent rule.	
23 THE COURT: Overruled.		23 MS. FAHERTY: Understood.	
24 MS. FAHERTY: You can put that down.		24 Q Let's look at some documents. Maybe that will help the	
25 And Your Honor, I actually move to admit this into		25 conversation.	

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1 A Sure.		1 Q And in drawing your attention to the following page of	
2 MS. FAHERTY: Your Honor, I've marked as		2 this document, the very top says, "Draft (DB letterhead)."	
3 plaintiff's next exhibit PX 3159.		3 Do you see that there?	
4 Q Drawing your attention, Mr. Cohen, to the document on		4 A I do.	
5 your screen. Do you see that this is a message from		5 Q Dated "July blank, 2014," yes?	
6 ITrump@Trumporg.com. Who do you understand that e-mail address		6 A Correct.	
7 to be?		7 Q And it appears that there is an addressee, Morgan	
8 A That's Ivanka Trump's e-mail address.		8 Stanley. Do you have any understanding as to why Morgan Stanley	
9 Q And this e-mail is dated July 27, 2013 at 3:30 p.m.,		9 is listed there?	
10 yes?		10 A Morgan Stanley was handling the sale.	
11 A Correct.		11 Q Of the Buffalo Bills?	
12 Q It's addressed to Jason Greenblatt?		12 A Of the Buffalo Bills.	
13 A It is.		13 Q Okay. And the address is blank, the attention is	
14 Q Allen Weisselberg?		14 blank, yes?	
15 A Yes.		15 A Correct.	
16 Q And you?		16 Q But it states "re: Mr. Donald Trump," yes?	
17 A Yes.		17 A Correct.	
18 Q This appears to be a forward with an attachment and the		18 Q And there is some language in the center here.	
19 attachment is titled, "DB to Morgan Stanley letter, (clean		19 MS. FAHERTY: We can zoom out a little bit so we	
20 version 2) 72514 [1].docx." Do you see that there?		20 can put the full letter up.	
21 A I do.		21 Q Okay. And there is a second page to this letter. Do	
22 Q And the underlying message is a forward from Ivanka		22 you see in the capital -- all caps at the top of the second page	
23 Trump to Rosemary Vrublic dated July 26, 2014. Do you see that		23 it states, "Can you not replace the whole following paragraph	
24 there?		24 with the below statement. It says the same thing without this	
25 A I do.		25 overkill belt" and it states "suspenders" [sic]. I think that's	
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1 Q Do you have any understanding as to whom Rosemary		1 supposed to be "suspenders" --	
2 Vrublic is?		2 THE COURT: I'm sure it is.	
3 A She is an employee at Deutsche Bank.		3 Q Language. Do you see that there?	
4 Q And what, if any, title did Ms. Vrublic have at		4 A I do.	
5 Deutsche Bank as it concerned the Trump Organization?		5 Q Do you recall including language like this as an edit	
6 A She was -- well, she is an executive at Deutsche Bank,		6 to a Deutsche Bank financial wherewithal letter?	
7 but she has a long history with Mr. Trump.		7 A No.	
8 Q Was she a relationship partner at Deutsche Bank to your		8 MR. KISE: Objection.	
9 understanding?		9 Q Any reason to dispute that you received this forward	
10 A Yes.		10 from Ivanka Trump that included her edits to a letter to	
11 Q Okay. And in Ms. Trump's message that she forwarded to		11 Deutsche Bank?	
12 you and others, it states: "Hi, Rosemary. Thank you for		12 A Well, her requested edits to the letter and yes, it	
13 providing this draft confidence letter."		13 came to my e-mail address.	
14 What is your understanding of a draft confidence		14 MS. FAHERTY: Your Honor, I move to admit this into	
15 letter?		15 evidence.	
16 A It was needed in order to get the process started.		16 THE COURT: Granted. It's in.	
17 Q And what process are you referring to?		17 (Whereupon, the item previously referred to is	
18 A The process of putting in a bid to obtain the Buffalo		18 received and marked Plaintiff's Exhibit Number 3159 in	
19 Bills.		19 evidence.)	
20 THE COURT: Five-minute warning.		20 MR. KISE: Your Honor, not only is it statute of	
21 MS. FAHERTY: Yes, Your Honor.		21 limitations. I'm just wondering -- I object on relevance	
22 Q And the message continues: "I have inserted a couple		22 grounds. What does this have to do with anyone in the case?	
23 of comments and suggestions. Please see what you can do. I		23 Ms. Trump is no longer a party to the case and this	
24 will call you in the a.m. to discuss." Do you see that there?		24 transaction as far as I know it doesn't form the basis for	
25 A I do.		25 any cause of action that's in the complaint at all, so I'm	

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1 not sure why we're talking about the Buffalo Bills other 2 than it does generate some press interest. I'm sure this is 3 the Buffalo Bills.	1	Transcript continues on the following page....
4 THE COURT: You know, I think Mr. Cohen referred to 5 Buffalo Bills many times and I'm thinking that's the 6 football team, right? Without saying the football team. 7 What's the relevance?	2	
8 MS. FAHERTY: Your Honor, they're writing to 9 Deutsche Bank to get financing, they're providing comfort to 10 the bank to get financing, they're making financial 11 representations connection with the purchase of the Buffalo 12 Bills. It is an aspect of our complaint and the Attorney 13 General intends to prove the allegations within our 14 complaint. So this is square within the case that we have 15 brought. It is a continued pattern of fraud.	12	
16 MR. KISE: There is no transaction at all 17 associated with it. Nothing ever happened and it's not -- 18 it doesn't form the basis for any of the counts.	13	
19 The counts are connected to loan transactions that 20 were actually consummated loan transactions and insurance 21 transactions and insurance policies. This is just simply a 22 free-for-all on anything that everyone went out at anytime 23 and place and where -- and Ms. Trump who sent this e-mail is 24 no longer a party to the case. So not only is it outside 25 the statute of limitations, but it just simply has nothing	14	
M. Cohen - Plaintiff - direct (Faherty)	Page 2257	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2259
1 to do with the claims asserted in the complaint. 2 I realize there is 200-something pages and 3 800-something paragraphs and one of those paragraphs makes 4 some drive by mention of the Buffalo Bills. I do realize 5 that, but that doesn't make it relevant in this trial 6 proceeding now that the issues have been narrowed and the 7 case has been joined.	1	THE OFFICER: Come to order. Part 37 is back in 2 session. Please be seated and come to order.
8 THE COURT: I think we can all agree that Mr. Trump 9 never owned the Buffalo Bills; right?	3	THE COURT OFFICER: Witness entering. (Witness resumes the stand.)
10 MS. FAHERTY: We can agree that that did not come 11 to fruition, Your Honor, yes.	4	THE COURT: Okay. Please proceed.
12 THE COURT: Nevertheless, I will admit it as 13 possible evidence of pattern and practice of the 14 organization back at that time generally speaking and the 15 witness himself was on this. If it's not relevant, it's not 16 relevant, but I think it is anyway, so.	5	MS FAHERTY: Thank you, Your Honor. I'd like to 6 hand up to the witness a document that I've marked for 7 identification as PX-3276.
17 MS. FAHERTY: Your Honor, it might be a good moment 18 for a break.	8	Q Mr. Cohen, I ask you to take a minute and look at the 9 document in front of you and then I'll ask you a question. (Witness reviewing document.)
19 THE COURT: Did we get an answer to the last 20 question?	10	11 Q Mr. Cohen, this document is an e-mail from Jason 12 Greenblatt to you, Ivanka Trump and Allen Weisselberg, yes? 13 A Correct. 14 Q Dated July 29, 2014? 15 A Correct. 16 Q With the subject "executed Buffalo Bills bid-related 17 documents," yes? 18 A Yes. 19 Q And then there appear to be a series of attachments in 20 included with this document? 21 A Correct. 22 Q And Mr. Greenblatt's message says, "All, FYI, attached 23 are copies of the documents executed today in connection with 24 the bid made by DJT." Do you have any understanding as to who 25

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1 DJT is?	1 A Managing director of Morgan Stanley. He was the
2 A Donald J. Trump.	2 individual that was compiling all the bids on behalf of the
3 Q "For the Buffalo Bills." He then goes on to state,	3 Buffalo Bills.
4 "Items 1, 2, 3 were submitted to Morgan Stanley. Items 4-5 are	4 Q And so this is a letter -- and if we could just pull
5 documents between Trump and DB." Any understanding as to who DB	5 back and turn to the second page of this letter. Do you
6 is?	6 recognize the signature on this letter addressed to K. Don
7 A Deutsche Bank.	7 Cornwell dated July 29, 2014?
8 Q "(And were not submitted to Morgan Stanley)." Do you see that there?	8 A Yes.
9 A I do.	9 Q Whose signature do you recognize that to be?
10 Q And item number one appears to be a letter from DJT.	10 A Donald J. Trump.
11 Donald J. Trump, yes?	11 Q And there's a title underneath the word "sincerely."
12 A That's what it says, yes.	12 It is "Trump Acquisition, LLC." Do you see that there?
13 Q To Morgan Stanley?	13 A I do.
14 A Yes.	14 Q The letterhead of this letter, however, is the Trump
15 Q Then two is "owner background form," correct?	15 Organization. What is the connection between the Trump
16 A Correct.	16 Organization and Trump Acquisition, LLC?
17 Q And three is a letter from Deutsche Bank to Morgan	17 A It is a subsidiary for new acquisitions. They would do
18 Stanley, yes?	18 it under its own specific LLC.
19 A Yes.	19 Q Was it still an entity contained under the umbrella of
20 Q And those were the three items submitted to Morgan	20 the Trump Organization to your understanding?
21 Stanley?	21 A To my understanding, yes.
22 A Correct.	22 Q And you stated that's Donald J. Trump's signature, yes?
23 Q And then four and five, number four is a certification	23 A Yes.
24 of the financial position of DJT or Donald J. Trump, yes?	24 Q Now, turning back to the first letter, first page of
	25 the letter, the first paragraph states, "Please let this letter
M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2261	M. COHEN - PLAINTIFF - DIRECT(MS. FAHERTY) Page 2263
1 A Yes.	1 serve to represent my bid to purchase the Buffalo Bills football
2 Q Executed by J. McConney. Do you understand who J.	2 team for \$1 billion."
3 McConney is?	3 Do you recall the bid made to purchase the Buffalo
4 A Yes.	4 Bills for \$1 billion in 2014?
5 Q Who is that?	5 A \$1 billion, yes.
6 A Jeffrey McConney.	6 Q Turning to the next paragraph, the letter continues, "I
7 Q Item five is an executed letter from Deutsche Bank to	7 have a net worth in excess of \$8 billion (financial statements
8 Donald J. Trump, "Re: No waiver of Deutsche Bank/Trump loan	8 to be provided upon request), comprised of substantial cash
9 terms," yes?	9 balances, highly liquid assets (including Class A real estate)
10 A Yes.	10 and very little debt." Do you recall seeing that?
11 Q And do you recall putting documents together in	11 A I do.
12 connection with the Buffalo Bills bid?	12 Q Do you recall a representation made by Mr. Trump in
13 A I remember seeing these documents.	13 connection with his bid to buy the Bills asserting a net worth
14 Q And this was something that you worked on when you were	14 in excess of \$8 billion?
15 at the Trump Organization, yes?	15 MR. KISE: Objection. In addition to this document
16 A Correct.	16 or this document?
17 Q Turning your attention to the first attachment then,	17 THE COURT: I think that's a fair question. So
18 I'll ask you to turn the page of this exhibit. This appears to	18 let's make the question more specific. By fair question, I
19 be a Trump Organization letterhead, yes?	19 meant Mr. Kise's question.
20 A That's correct.	20 Q Do you recall Mr. Trump, separate and apart from this
21 Q And this letter is dated July 29, 2014, yes?	21 letter, making a representation that he had a net worth in
22 A Yes.	22 excess of \$8 billion in connection with his attempt to purchase
23 Q Do you recall the name K. Don Cornwell?	23 the bills?
24 A I recall the name.	24 A Yes.
25 Q Who do you understand K. Don Cornwell to be?	25 Q And that is reflected here in this letter, yes?

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1 A Yes.	1 A Correct.
2 Q And then this letter also states in the following	2 Q You will recall that Mr. Greenblatt's cover e-mail
3 paragraph, "I'm enclosing a letter from Deutsche Bank which	3 suggested that there are two other documents attached that were
4 indicates my financial strengths, both from a liquidity and	4 just transmitted to Deutsche Bank, right?
5 asset value standpoint, and confirming that I have the financial	5 A Correct.
6 capability to consummate the transaction, yes?	6 Q Turning your attention to the next page of this
7 A That's what it says.	7 document, do you recognize the signature on the bottom of this
8 Q And this was submitted to Mr. Don Cornwell at Morgan	8 page titled, "Certification of the Financial Position of Donald
9 Stanley in connection with the Buffalo Bills bid, yes?	9 J. Trump"?
10 A Yes.	10 A Yes.
11 Q And then I'll draw your attention to -- we'll skip the	11 Q Whose signature do you recognize that to be?
12 background form which is the second attachment to this letter.	12 A That's Jeff McConney.
13 So let's go to the third document that was attached to this	13 Q The Jeffrey McConney that we spoke about before? He
14 letter and submitted to Morgan Stanley. Go to page 17 of 22.	14 worked in the accounting department at the Trump Organization?
15 And this is a letter from Rosemary Vrablec, managing	15 A Yes, the controller.
16 director at Deutsche Bank. That was the relationship partner we	16 Q The controller?
17 spoke about before, yes?	17 A Yes.
18 A Correct.	18 Q And if you see in that very first paragraph, it states,
19 Q Dated July 29, 2014?	19 "I, Jeffrey McConney, controller," is that right?
20 A Yes.	20 A That's correct.
21 Q Also addressed to Mr. Cornwell at Morgan Stanley?	21 Q And there are certain numbers included in here that
22 A Yes.	22 "DT's current liquidity is approximately 310 million." Do you
23 Q Drawing your attention to the first paragraph, do you	23 have an understanding as to who DT is?
24 recall that Deutsche Bank submitted a letter stating that they	24 A Donald Trump.
25 have been asked by Mr. Donald J. Trump to provide this letter in	25 Q And then it states in paragraph B, "There has been no
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1 connection with his bid for the acquisition of the Buffalo Bills	1 material decrease (in excess of 10%) in the aggregate value of
2 of the National Football League (the transaction)?	2 his illiquid assets since the financials were reported to
3 A Yes.	3 Deutsche Bank as of June 30, 2013 that were certified by DT,
4 Q And drawing your attention to the third paragraph, the	4 Donald Trump, on October 30, 2013," yes?
5 letter reads, "Our understanding is that Mr. Donald J. Trump has	5 A That's what it says.
6 made, or intends to make a bid for the Buffalo Bills in the	6 Q And those financials, do you have any understanding as
7 amount of \$1 billion in the aggregate. Based on our preliminary	7 to what those financials as of June 30, 2013 are?
8 review of the current financial information of Mr. Donald J.	8 A The assets described in the Statement of Financial
9 Trump made available to us, including liquidity and asset value,	9 Condition.
10 it is our assessment that Mr. Donald J. Trump would have the	10 MS. FAHERTY: Your Honor, I move to admit this
11 financial wherewithal to fund his bid." Do you see that there?	11 document and the exhibits into evidence.
12 A I see that.	12 MR. KISE: Your Honor, I'm not sure where to begin,
13 Q What, if anything, do you understand Deutsche Bank to	13 but I'll start with statute of limitations.
14 have reviewed to make this statement, "Based" on our preliminary	14 THE COURT: Overruled.
15 review of current financial information of Mr. Donald J. Trump	15 MR. KISE: I know where you are going on that, but
16 made available to us"?	16 again, I'm not sure of the relevance of any of these
17 A The Statement of Financial Condition.	17 documents to the proceeding. I mean, is it the government's
18 Q And if we turn the page, you'll see that this document	18 intention to establish that President Trump did not have the
19 is signed. Does that appear to be the signature of Rosemary	19 financial capability to consummate the transaction? Unless
20 Vrablec of Deutsche Bank?	20 they are going to connect this up somehow with some actual
21 A I don't know her signature, but yes, it says Rosemary	21 alleged fraudulent activity, there's no -- there's no
22 T. Vrablec.	22 transaction that was ever consummated.
23 Q No reason to doubt that that's her signature, right?	23 And in order to demonstrate that there's anything
24 A No.	24 false or fraudulent here about this, we have to go into an
25 Q There is a copy here. Is that for Mr. Donald J. Trump?	25 entire, which we can, I guess if we are going to be here

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<p>1 until next March, an entire analysis whether he had the 2 financial capability to consummate the transaction. The 3 documents are all hearsay, so I'm wondering what purpose 4 they're being offered for. What are we proving? What 5 relevance, what fact at issue that is material to the issues 6 before the Court is being established by this because on its 7 face, there's nothing to indicate that President Trump 8 didn't have the financial ability to consummate the 9 transaction and Deutsche Bank says itself based on their own 10 assessment, they say that he did.</p> <p>11 So are we going to go down this path? This is the 12 danger of these hypothetical transactions that never took 13 place and they need to be more connected to some actual 14 cause of action.</p> <p>15 THE COURT: Jeffrey McConney, who I believe the 16 witness has testified, signed the letter, submitted the 17 certification. He is a defendant, right?</p> <p>18 MR. KISE: He is.</p> <p>19 THE COURT: And whether everything in this document 20 is accurate or not, I think is a factual issue.</p> <p>21 MR. KISE: Well, but if it is a factual issue, then 22 we have to go through whole society of facts and whether he 23 had the financial ability to consummate the transaction. It 24 doesn't just come in because it is a statement and then the 25 government gets to assume that there is some falsity here.</p>	<p>1 to that point. I mean, you can't just say that. Are we 2 going to debate whether his current liquidity was 310 3 million in 2014? I think it has already been established. 4 If this one piece they're focusing on right now, that's up 5 on the screen, but it is all part of one exhibit that 6 relates to no transaction that was ever consummated. 7 There's no connectivity to anything that's at issue.</p> <p>8 It doesn't go to the element without establishing 9 that he did not, in fact, have the financial capability to 10 consummate the transaction which I would disagree with Ms. 11 Faherty. That has not been established. We don't know 12 that. I mean, there is certainly no evidence that would 13 indicate that he did or did not. I mean, with the evidence 14 that is before the Court as to this transaction, it 15 certainly seems sufficient that he had the financial 16 wherewithal to buy more than one NFL team. I mean, at the 17 time. That's what I'm saying.</p> <p>18 Are we going to go down this path of debating 19 whether or not there is a truth or falsity here on an issue 20 that doesn't relate to the actual claims and causes of 21 action that are being presented? This is tangential and 22 remote and unless -- Ms. Faherty just admitted she does not 23 plan to connect this up. She's simply saying that the fraud 24 has already been established, that it is already 25 established, that this document is evidence itself of fraud</p>
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<p>1 They are going to have to establish all of that which is why 2 it needs to be connected to some actual cause of action.</p> <p>3 THE COURT: Do you plan to establish all that?</p> <p>4 MS. FAHERTY: We do, Your Honor. I think that the 5 evidence has come in that it has established a significant 6 number of the facts relevant to the evidence we're putting 7 forward. I am concerned that there is an unnecessary 8 objection here. He's given testimony about this 9 transaction. We're seeing information about financials that 10 are being proffered in order to receive the benefit.</p> <p>11 This is our case. Because the fraud was not fully 12 perpetrated does not mean it is not relevant to the 13 allegations brought by the Attorney General. This is a 14 pattern and practice. There are co-defendants here. There 15 is a plethora of reasons why this evidence comes in, Your 16 Honor, respectfully.</p> <p>17 MR. KISE: Your Honor, the entirety of Ms. 18 Faherty's presentation presumes the ultimate question. I'm 19 back to my point that they're presuming that there is some 20 fraudulent activity here without actually establishing that 21 he did not have the financial capability to consummate the 22 transaction.</p> <p>23 THE COURT: But that isn't the only statement 24 inherent in this document.</p> <p>25 MR. KISE: But it is because they're all connected</p>	<p>1 and I don't see how, how this exhibit is evidence of fraud. 2 He had the financial capability to consummate the 3 transaction and, again, perhaps more than one, maybe two or 4 three. You can't own more than one NFL team as far as I 5 know.</p> <p>6 THE COURT: Are you testifying as an expert to the 7 NFL?</p> <p>8 MR. KISE: I am more of an expert on --</p> <p>9 THE WITNESS: You can't own more than one.</p> <p>10 THE COURT: As part of this document, I only have 11 the one sheet in front of me now. Wasn't there a statement, 12 a claim that the defendant's net worth was \$8 billion?</p> <p>13 MR. KISE: Yes. Has that been disproved?</p> <p>14 THE COURT: Well, we don't have to disprove it. We 15 are in the middle of a trial at this point.</p> <p>16 Do you agree that his net worth was \$8 billion at 17 that time?</p> <p>18 MS. FAHERTY: No.</p> <p>19 THE COURT: Are you going to try to prove that it 20 wasn't or do you feel you've already proved it wasn't?</p> <p>21 MS. FAHERTY: For one, Your Honor, the inherent 22 falsity of a Statement of Financial Condition has already 23 been decided by this Court on summary judgment. Those have 24 been determined to be false. I don't think I need to prove 25 up or prove down. Although, there is evidence as to the</p>

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<p>1 inherent falsities and values contained in that Statement of 2 Financial Condition that we have put in evidence in this 3 trial and will continue to do so. So yes, we are continuing 4 to prove our case, Your Honor, and connect all of those 5 dots.</p> <p>6 MR. KISE: But this document is not the Statement 7 of Financial Condition, this document, and I would disagree 8 strongly with Ms. Faherty. I mean, if we are in a place now 9 where the statements are irretrievably proven false, then 10 without a jury, without a trial and now we are going to be 11 here and we're not -- why are we even putting on a defense 12 then if that's already been established? We might as well 13 close it up now. It doesn't make any sense what Ms. Faherty 14 is saying.</p> <p>15 They have to establish the elements of their claims 16 and they can't simply rely on the fact that well, it's 17 established that it is false and, thereby, that establishes 18 the remainder of their claims. And here, we are not even 19 talking about an actual claim. We're talking about a 20 theoretical claim. It doesn't form the basis for any of the 21 counts that are at issue in the trial. And unless we're 22 going to go down the path, unless the government intends to 23 go down the path of proving up that President Trump, which I 24 don't think they can do that, that President Trump did not 25 have the financial capability to consummate this</p>	<p>1 things again. The objection is overruled for the reasons I 2 already stated and the reasons that Ms. Faherty stated. 3 It's duly noted that you strongly object. Let's move on. 4 MS. FAHERTY: One more document, Your Honor. 5 Q Mr. Cohen, do you recall in connection with the attempt 6 to purchase the Buffalo Bills that you attended a meeting in 7 Detroit called a management presentation? 8 A Yes. 9 Q Do you recall who was at that meeting in Detroit? 10 A Myself, Mr. Trump, Jason Greenblatt, Allen Weisselberg, 11 and I don't recall if Ivanka was there. 12 MS. FAHERTY: Your Honor, I handed up to the 13 witness a document we've marked for identification as 14 PX-981. 15 Q Take a quick look at that document, if you will, Mr. 16 Cohen, and then I'll ask you a quick question. 17 (Witness reviewing document.) 18 A Yes. 19 Q Just drawing your attention to the third page, there is 20 an e-mail sent by you to Alex Hill dated July 29, 2014 at 21 3:36 p.m. Do you see that message there? 22 A I do. 23 Q And do you recall who Alex Hill (IBD) is? 24 A I don't recall him specifically. 25 Q If I said the Morgan Stanley investment banking</p>
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<p>1 transaction, this document has no relevance at all. 2 THE COURT: Couple of things. It is a non-jury 3 trial, of course. I tend to be somewhat liberal in what I 4 let in. I believe that I am evenhanded about what I'm 5 letting in and what I'm not letting in. I think it's 6 arguably false, particularly, again, the \$8 billion. I 7 don't -- arguably, I don't know whether Mr. Trump did or 8 didn't have the --</p> <p>9 MR. KISE: But that's precisely the point, Your 10 Honor. 11 THE COURT: Wait. Wait, please. Well, yeah, 12 that's why we're having a trial. I think this 13 tends -- again, arguably tends to show a pattern and 14 practice of broad, to use a loaded term, so the objection is 15 overruled. Let's just move on. 16 MR. KISE: Again, I'm starting to feel like Paul 17 Newman at this point. Every objection is overruled. I 18 mean, this evidence should not come in respectfully. It 19 really shouldn't. There's no indication as to where that 20 even 8 billion -- 8 billion includes brand value. There's 21 so many issues here that again, we're going down this path 22 of litigating something that isn't even relevant to the 23 claims and causes of action before the Court. 24 THE COURT: One other thing. Maybe the only banned 25 word in my courtroom is "again." You don't have to say</p>	<p>1 division, would that refresh your recollection as to what IBD 2 stood for? 3 A Yes. Again, I don't know him. 4 Q Do you have any understanding that Mr. Hill was an 5 employee at Morgan Stanley? 6 A Yes. 7 Q So fair to say that this e-mail is a reflection that 8 you dropped off the bid packet for the Buffalo Bills, yes? 9 A Correct. 10 Q And then drawing your attention through the e-mail all 11 the way to the top, this is just a continued e-mail thread, 12 right? 13 A Correct. 14 Q You remain on the e-mail chain in this thread, right? 15 A Correct. 16 Q And on August 4th, the second message on that first 17 page, there's an e-mail from Alex Hill to you and Jason 18 Greenblatt with a copy to K. Don Cornwell, right? 19 A Correct. 20 Q And Mr. Hill says wanted to confirm if the 6th worked 21 for the management presentation. Do you see that there? 22 A I do. 23 Q And then following up on the 6th, Mr. Hill writes to 24 you again saying, "Michael, Jason, looking forward to meeting 25 you all today. One near term NFL item we would like you to all</p>

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1 fill out and have Mr. Trump sign is the attached authorization		1 moment that would cause you a reason to not be able to sit	
2 and consent to release records. If you all could get that back		2 through the testimony under oath in this court today?	
3 to us home, that would be greatly appreciated. Also, we would		3 A Asked and answered.	
4 like to offer you all the opportunity to tour the		4 Q I forgot that you like to do this. You did this with	
5 newly-modernized Ralph Wilson Stadium the week of the 18th.		5 me in the depositions. Okay.	
6 Please let us know if there is a day that works that week for a		6 MR. KISE: The judge doesn't like that objection.	
7 trip to Buffalo. Looking forward to meeting you."		7 Q That's not good. So here is how this is going to go.	
8 Does this message reflect that a meeting occurred in		8 They get to object. They get to object. We all get to do our	
9 Detroit on August 6th in connection with the Buffalo Bills bid		9 thing. You get to answer my questions. The more we do that,	
10 package?		10 this will go better. We are not in a deposition. That's the	
11 A Yes.		11 judge. Ready? Mr. Cohen --	
12 MS. FAHERTY: Your Honor, I have no further		12 THE COURT: Even if you were asked before by a	
13 questions on this document and this witness. I would like		13 different party particularly, just answer it. It will be	
14 to move that document into evidence, please.		14 quicker.	
15 MR. KISE: Same objections, Your Honor. Statute of		15 Q Answer the questions and we will be here until January.	
16 limitations and relevance.		16 Okay.	
17 THE COURT: Same ruling. Granted. It is in.		17 Mr. Cohen, are you on any medication that would affect	
18 (Whereupon, the Document was marked in evidence as		18 your ability to testify honestly to me today?	
19 Plaintiff's Exhibit 981.)		19 A No.	
20 MS. FAHERTY: I rest, Your Honor. Thank you.		20 Q No. Okay. Do you have any medication that would	
21 THE COURT: Well, will there be any		21 change your method of thinking at this moment, so that you're	
22 cross-examination?		22 not clear in any sort of way?	
23 CROSS-EXAMINATION BY		23 A No.	
24 MS. HABBA:		24 Q So you are fully prepared to testify to me today?	
25 Q Hello, Mr. Cohen.		25 A Yes.	
M. COHEN - PLAINTIFF - DIRECT(MS. HABBA)	Page 2277		Page 2279
1 A Hello, Ms. Habba.		1 Q Under oath?	
2 Q How are you?		2 A Yes.	
3 A Well, Thank you.		3 Q And you understand what "under oath" means? Is that	
4 Q We've met a few times, haven't we?		4 right, Mr. Cohen?	
5 A We have.		5 A Yes.	
6 Q Do you want me to call you Mr. Cohen today or Michael?		6 (Continued on the next page.)	
7 I know before, we've changed that up. What are you comfortable		7	
8 with?		8	
9 A I think Mr. Cohen for the day since we are here in		9	
10 court.		10	
11 Q I'll be Ms. Habba for the day. So I'm going to ask you		11	
12 a series of questions today. Before I do, first of all, when I		12	
13 do ask you my series of questions and I pace, I move when I am		13	
14 on my feet, so I apologize. I am going to ask you questions		14	
15 that are going to be yes-or-no questions and I'm going to try to		15	
16 keep it that way other than when I ask you to read something, so		16	
17 that we can move this along and make sure we get through		17	
18 everything that's per the judge's instructions, but I will try		18	
19 to make the questions super clear, so we have no issues.		19	
20 Before we start, I want to discuss your health. I'm		20	
21 not going to get into anything that's uncomfortable. I don't		21	
22 really do that, but I need to make sure that you are able to		22	
23 testify completely, clearly and understand what you're doing		23	
24 today.		24	
25 Do you have any health issues particularly at this		25	

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1 Q Good. And you've been deposed, even by me, many times 2 before, haven't you, Mr. Cohen?		1 Q Yes, okay.	
3 A I have.		2 So that means it's a publicly filed court document; 3 right?	
4 Q And you've been in courts many times before, haven't 5 you, Mr. Cohen?		4 A Correct.	
6 A I have.		5 Q Okay. So do you see in line 19 here, I'm going to read 6 this to you, Mr. Cohen:	
7 Q Good. Let's go through that.		7 "How do you now plead to the charge in Count 1 of 8 evasion of personal income tax for the calendar year 2012."	
8 So previously you pled guilty to a number of felonies.		9 And the judge asked you, "do you plead guilty or not 10 guilty?" Do you see that?	
9 Isn't that correct?		11 A I do.	
10 A Yes.		12 Q And what was your answer, Mr. Cohen?	
11 Q And today, alone, you testified that you pled guilty to 12 five counts of evasion and assessment of income tax liability 13 for 2012 to 2016 --		13 A "Guilty, Your Honor."	
14 MS. HABBA: I'm sorry is that not making a weird 15 sound? Can you guys hear it?		14 Q Correct.	
16 Q In violation of 26 USC Section 7201; is that correct?		15 And the Court said:	
17 A Correct.		16 "And how do you plead to the charge in Count 2 of the 17 Information of evasion of personal income tax for the year 2013, 18 guilty or not guilty?" And what did you say?	
18 Q And you pled guilty to making false statements to a 19 financial institution in connection with a credit decision in 20 violation of 18 USC Subsection 1014; is that correct?		19 A "Guilty, Your Honor."	
21 A I take your word that the sections are correct.		20 Q Thank you.	
22 Q No, no. I don't want you to take my word.		21 So let's move on to the next one. This is all from the 22 same allocution that I'm showing you.	
23 MS. HABBA: Let's pull up Exhibit D 951.		23 Did you plead guilty to causing an unlawful corporate 24 contribution in violation of 52 USC Subsection 30118 A and --	
24 Q Mr. Cohen, this document is an allocution dated 25 August 21, 2018 for financial crimes. Do you see this?		25 THE COURT REPORTER: I'm sorry, Ms. Habba.	
M. Cohen - Plaintiff - cross (Habba)	Page 2281	M. Cohen - Plaintiff - cross (Habba)	Page 2283
1 A I do.		1 MS. HABBA: Sure.	
2 Q Do you see that it says "United States of America 3 versus Michael Cohen?"		2 Q You pled guilty to causing an unlawful corporate 3 contribution in violation of 52 USC Subsection 30118 (A), that's 4 and 30109 (D)(1) (A) and 18 USC Section 2 (B); is that correct?	
4 A I do.		5 A I don't see where you're reading that from.	
5 Q Do you see that it's case 1:18-CR-00602-JMF?		6 Q No problem.	
6 A I do.		7 A Can you provide me --	
7 Q It's filed on 9/14/18, that's 2018; is that correct?		8 Q I'm actually not reading it. I'm just asking, but we 9 can confirm it.	
8 A Correct.		10 MS. HABBA: Can you please pull it up?	
9 Q Okay. Do you recognize this document by the Honorable 10 William H. Pauly, III?		11 Q I'm going to read from what they pulled up from your 12 allocution, which we identified before.	
11 A I do.		13 "How do you plead to the charge in Count 3 of evasion 14 of personal income tax for the year 2014, guilty or not guilty?"	
12 Q Okay. Do you recognize it as your allocution?		15 What did you respond, Mr. Cohen?	
13 A Not from this appearance page, no.		16 A "Guilty, Your Honor."	
14 Q Okay. Well, let's go through this. 15 So, if you go to --		17 Q Thank you.	
16 MS. HABBA: Peter, have him pull up the next page, 17 please. No, I'm going to go to -- one second.		18 Next, you pled guilty to making an excessive campaign 19 contribution in violation -- and I'm going to read this slow 20 into the record -- of 52 USC Section 30118 (A) -- excuse me -- 21 I'll withdraw that.	
18 Q Let me ask you this: You were a lawyer at one point; 19 right?		22 52 USC 30116 (A) (1) (A), 30116 (A) (7) and 30109 (D) 23 (1) (A), as well as 18 USC Section 2 Subsection B.	
20 A I was.		24 You pled guilty to that; correct, Mr. Cohen?	
21 Q Okay. And do you know what a docket number is?		25 A Again, I don't see what you're reading.	
22 A I do.			
23 Q And does this have a docket number, this document that 24 I showed you, that I read it before?			
25 A Yes.			

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1 Q Sure.		1 And that you "repeatedly used your power and influence	
2 MS. HABBA: Let's make that bigger, please?		2 for deceptive ends." That was what it said, right, deceptive?	
3 Q "How do you plead to the charge in Count 5 of evasion		3 A Again, yes.	
4 of personal income tax for the calendar year 2016, guilty or not		4 Q And deception is a form of lying, isn't it, Mr. Cohen?	
5 guilty, Mr. Cohen?" What did you respond?		5 A I'll acknowledge that, yes.	
6 A "Guilty, Your Honor."		6 Q Okay. In fact, he also noted that your crimes were	
7 Q Thank you.		7 marked by a pattern of deception that permeated your	
8 MS. FAHERTY: Can I just note I think there is some		8 professional life, did he not?	
9 discrepancies, Ms. Habba.		9 A He said that, yes.	
10 MS. HABBA: I was getting to that.		10 Q Okay. And his quote was, I believe, "but the crimes	
11 Q So I think that what you're not understanding is the		11 committed by Cohen were more serious than his submission allows	
12 subsections, so let me just take --		12 and were marked by a pattern of deception that permeated his	
13 MS. HABBA: I'm take a representation --		13 professional life and was evidently hidden from the friends and	
14 Q Would you trust my word that those are the subsections		14 family members who wrote on his behalf." Is that correct?	
15 you pled guilty to in the allocution, now we're putting this		15 A This is what he wrote.	
16 allocution in for evidence or would you like me to go through		16 Q I know that's what he wrote.	
17 the process?		17 A Do I agree with the statement?	
18 A No, I would take your word for it.		18 Q No, do you recollect him saying it; yes or no?	
19 Q Thank you, Mr. Cohen.		19 A I recollect that it's written here and you're reading	
20 MS. HABBA: And first, I'm going to submit Exhibit		20 it appropriately.	
21 D 951, if it's already not submitted into evidence. Okay.		21 Q Okay. Didn't he also note that you abused both your	
22 MS. FAHERTY: No objection, Your Honor.		22 standing as an attorney and your relationship with my client,	
23 THE COURT: It's in evidence.		23 President Trump?	
24 By the way, we'll go until 4:40 and I'll give you a		24 MS. HABBA: Let's pull it up.	
25 five-minute warning.		25 Peter, pull it up, please.	
M. Cohen - Plaintiff - cross (Habba)	Page 2285	M. Cohen - Plaintiff - cross (Habba)	Page 2287
1 (Whereupon, the item previously referred to is		1 Q Those are the exact words. Would you like me to read	
2 received and marked Defendant's Exhibit Number D 951 in		2 them?	
3 evidence.)		3 A No.	
4 MS. HABBA: Okay. Thank you.		4 Q Okay. Do you disagree that that is what he said in	
5 Q Okay. In connection with that proceeding that we just		5 that statement?	
6 discussed in the Southern District of New York there is a		6 A I don't disagree that's what he said. I disagree with	
7 sentencing memorandum submitted. Do you recall that?		7 the premise.	
8 A My sentencing memorandum or the government's sentencing		8 Q That's the question. It's a yes-or-no question.	
9 memorandum?		9 THE COURT: Just answer the question, please.	
10 Q It was at the U.S. Attorney for the Southern District		10 Q Do you agree that is what he said?	
11 of New York Robert Cuzan?		11 A That is what it says.	
12 A That would be government's, yes.		12 Q Good.	
13 Q Do you remember that being submitted?		13 And you ultimately accepted a plea deal for those eight	
14 A I do.		14 felony counts that were in the allocution that we put into the	
15 Q Okay. And that was submitted in reference to you		15 evidence prior?	
16 committing the crimes that you were motivated by personal greed.		16 A I did.	
17 Isn't that correct, Mr. Cohen?		17 Q And in connection with accepting your plea deal, you	
18 A That's what it's stated, yes.		18 appeared before the Honorable William Pauly of the Southern	
19 Q Do you remember that it stated in particular that you		19 District of New York on August 21, 2018. Isn't that correct?	
20 as an attorney and businessman committed four distinct federal		20 A That's correct.	
21 crimes over the period of several years and that you were		21 Q Okay. And you were required in that agreement to	
22 motivated to do so by personal greed and repeatedly used your		22 answer a series of questions under oath, the same oath that you	
23 power and influence for deceptive ends. Do you remember that?		23 had in your deposition with me on this case a few months ago and	
24 A Those are the statements of the government.		24 the same oath that you're under today; isn't that correct?	
25 Q Great.		25 A That's correct.	

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1 Q And you understood on August 21, 2018 that by being 2 under oath, the same oath that you are on today and the same 3 oath that you were in when I deposed you, that you had a legal 4 obligation to testify truthfully and honestly; is that correct? 5 A That's correct. 6 Q Good. And you committed perjury in that proceeding, 7 didn't you? 8 A Excuse me? 9 Q You committed perjury under oath with Judge Pauly, 10 didn't you? 11 MS. FAHERTY: Objection, Your Honor. 12 MS. HABBA: It's a direct question. Yes or no? 13 THE COURT: Objection overruled. 14 A Did I commit perjury to Judge Pauly? 15 Q Did you lie to Judge Pauly when you said that you were 16 guilty of the counts that you said under oath that you were 17 guilty of? Did you lie to Judge Pauly? 18 A Yes. 19 Q You have an attorney here today, don't you, sir? 20 A I do. 21 Q You actually have several attorneys here. I recognize 22 them some from other cases they're here, aren't they? 23 A They are. 24 Q Good. 25 In connection with your guilty plea to Counts 1 through		1 A Yes. 2 Q So during 2012 to 2016, did you ever tell your wife 3 that you were committing tax evasion, Mr. Cohen? 4 THE WITNESS: Objection, Your Honor. 5 Q No. You don't get to object. 6 A Actually, in all fairness, I absolutely do. Roswell 7 versus United States, 1954 Supreme Court. We can also go on to 8 Houston versus the United States. We can also go on to your 9 favorite case of United States versus Nixon. 10 THE COURT: One at a time. 11 MR. KISE: It's very simple. Did he tell his wife 12 that he was committing tax evasion at the time. That's a 13 simple yes-or-no question and it's perfectly within the 14 scope. He is a serial liar and if he lied to his wife, it's 15 relevant for impeachment. It's absolutely irrelevant for 16 impeachment. 17 THE WITNESS: It calls into question the fact that 18 there was no tax evasion. 19 MR. KISE: I'm not directing anything to you, 20 Mr. Cohen, I'm sorry. 21 THE COURT: Ms. Faherty? 22 MS. FAHERTY: Aside from the fact that the question 23 is palpably improper -- 24 THE COURT: Well, on what grounds? I'm not 25 disagreeing.	
M. Cohen - Plaintiff - cross (Habba)	Page 2289	M. Cohen - Plaintiff - cross (Habba)	Page 2291
1 5 for evasion of assessment of income tax liability for the 2 calendar years 2012 through 2016, you testified that for the tax 3 years that I just identified you willfully evaded paying 4 substantial taxes on income that you received in which you knew 5 was not reflected in the returns you filed; correct? 6 A I don't understand your question. 7 MS. HABBA: Okay. Let's pull up the next exhibit, 8 please, Peter. 9 Q I'll quote you. You see right here it says: 10 "As to Counts 1 through 5 in the tax years of 2012 to 11 2016, I" -- and the "I" is you; correct, Mr. Cohen? 12 A Correct. 13 Q "I evaded paying substantial taxes on certain income 14 received that I knew was not reflected on the return and that I 15 caused to be filed. The income intentionally not included was 16 received by me in the Southern District of New York." Didn't 17 you say that? 18 A I did. 19 Q Okay. That doesn't say "tax omission," does it? 20 A No, it does not. 21 Q But you earlier testified today that you omitted, you 22 didn't evade, isn't that right? 23 A I did say that. 24 Q Right. So you lied when you said that you evaded taxes 25 to a judge under oath; is that correct?		1 MS. FAHERTY: First, marital privilege. Let's 2 just get that out of the way -- 3 THE COURT: Spousal privilege? 4 MS. FAHERTY: Please, Your Honor, and I think this 5 is below the belt he is giving testimony about the lies. 6 Let's keep this focus, Your Honor. 7 THE COURT: I think it falls right within the 8 spousal privilege. You don't have to testify about what you 9 and your spouse talked about. I'll make it simple and leave 10 it at that. Yes, go ahead. 11 MS. HABBA: Your Honor, I apologize, but his wife 12 was on that return and I will get to why it's important 13 because in his deposition we did discuss his wife, so I'm 14 sorry, but that wasn't objected to then, so it shouldn't be 15 objected to now. 16 Q And clearly, I hit a trigger with you, so Mr. Cohen 17 noted, but I will say is it true or not true that your wife 18 signed those returns? 19 MS. FAHERTY: Objection. 20 A Excuse me? 21 Q Did she sign those returns? 22 MS. FAHERTY: Stop. 23 MS. HABBA: What? That's just a factual question. 24 THE COURT: Yes, I'll allow that. 25 MS. HABBA: Thank you.	

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M. Cohen - Plaintiff - cross (Habba)	Page 2292	M. Cohen - Plaintiff - cross (Habba)	Page 2294
1 Q Mr. Cohen, did your wife sign those returns?		1 6 for making false statements to a financial institution in	
2 A Yes.		2 connection with the credit decision, you testified that you	
3 Q But you knew that the statement, this statement, was		3 knowingly submitted an application for a HELOC loan that	
4 false when you made it, didn't you?		4 contained false representations?	
5 A Yes.		5 A I'm sorry, can you repeat your question?	
6 Q So you lied to Judge Pauly which we've now established,		6 Q Sure.	
7 but I'm supposed to admit that you're not going to lie to me		7 MS. HABBA: Your Honor, can I get a read back?	
8 now; is that correct? It's a yes-or-no question.		8 THE COURT: Read back, please.	
9 A Unfortunately, I'm going to have to object to that, as		9 (Whereupon, the requested portion of the	
10 well.		10 proceedings was read back by the court reporter.)	
11 Q Yes, you can't object. That's not how this works.		11 A Again, I don't really understand your questions. It's	
12 See, if you still had your law license, you'd understand that.		12 a compound question. I don't understand it.	
13 It's a yes-or-no question.		13 Q So you don't understand the question.	
14 A And your question is?		14 So let me do something else.	
15 Q You lied to Judge Pauly; correct?		15 MS. HABBA: Let's pull up the Exhibit 951-22,	
16 A Asked and answered.		16 please.	
17 Q No. Again, yes or no?		17 Q Okay. This is the same document that we put in before.	
18 THE COURT: Asked and answered.		18 It's the allocution.	
19 A How many times are you going to ask me the same		19 Do you see that docket number? I'll represent that	
20 question?		20 that's the same and this is the allocution that we put in as the	
21 MR. KISE: Your Honor, this witness is completely		21 exhibit.	
22 out of control so I would ask the Court to direct the		22 A Correct.	
23 witness to answer the questions. I mean, the witness		23 MS. HABBA: Okay. Can you just zoom in on that	
24 doesn't get to sit here and play judge. That's your job.		24 portion?	
25 THE COURT: And I'm doing it the best I can.		25 Q I'll read it to you. You can have a minute to read it	
M. Cohen - Plaintiff - cross (Habba)	Page 2293	M. Cohen - Plaintiff - cross (Habba)	Page 2295
1 That question -- well, it's hard to say because it		1 yourself, if you'd like.	
2 was really more of a statement than a question. There's		2 "As to Count 6, on or about February of 2016, in order	
3 already -- we've already been through it.		3 to be approved for a HELOC, a home equity line of credit, I	
4 Why don't we again start from scratch. What		4 reviewed an application form that did not accurately describe	
5 question would you like to ask?		5 the full extent of my liabilities. I did not correct the	
6 MS. HABBA: Sure. Why don't I instead play from		6 inaccurate information on the form. I signed it knowing that it	
7 his deposition. Let's pull that up.		7 would be submitted to the bank as part of their HELOC	
8 (Whereupon, there is a pause in the proceedings		8 application process. The bank was federally insured and is	
9 while a portion of video is played.)		9 located in Manhattan.	
10 THE COURT: Asked and answered many times already.		10 As to Count 7:	
11 Q Great. And you have stated earlier --		11 THE COURT: Did you know that those statements were	
12 THE COURT: Wait. So I had said to --		12 false when you made them?	
13 MS. HABBA: I'll move on.		13 THE DEFENDANT: They were omitted" --	
14 THE COURT: Ms. Faherty, when she was examining or		14 MS. HABBA: The defendant is you --	
15 cross examining, please don't categorize the answers or your		15 "They were omitted, Your Honor, as opposed to being	
16 point. You said "great," she said "great." Just ask		16 false.	
17 questions, he'll answer and I'll make sure that happens.		17 THE COURT: While you knew it was false?	
18 MS. HABBA: Sure, Your Honor.		18 THE DEFENDANT: Yes, Your Honor."	
19 Q In the deposition that we just saw from April 28, 2023		19 MS. HABBA: Not that part. Can you pull up the	
20 -- well, first, let me just get some foundation questions.		20 right part?	
21 You remember me deposing you on April 28, 2023, do you?		21 Q But I'm reading from your allocution. They can pull it	
22 A I do.		22 up so you can review it.	
23 Q And was that from your testimony when I deposed you?		23 A Count 7 was campaign finance violation, not Count 6.	
24 A Yes.		24 Q It's 22:6-21.	
25 Q Okay. And in connection with your guilty plea to Count		25 A Can you --	

M. Cohen - Plaintiff - cross (Habba)	Page 2296	M. Cohen - Plaintiff - cross (Habba)	Page 2298
1 THE COURT: Okay. Two things. I advise all 2 attorneys on. People tend to read faster than they talk and 3 numbers are difficult for court reporters to take down, so 4 you have to really go slowly.		1 testimony today? 2 A I took the plea.	
5 MS. HABBA: Noted, Your Honor.		3 Q Do you understand -- did you have lawyers representing 4 you when you took the plea, Mr. Cohen?	
6 A The document is inaccurate on line 14 as to Count 7, 7 7 had nothing do with the financial statements unless it refers to 8 the campaign finance violation. We're referring to Count 6.		5 A I did.	
9 Q So you're saying that Judge Pauly's -- the transcript 10 from Judge Pauly's hearing is inaccurate?		6 Q Okay. And did your lawyers explain to you what a plea 7 is?	
11 A I'm saying as to Count 7 and Count 6 are obviously two 12 different counts.		8 A Yes.	
13 Q Okay. Taking away the count number --		9 Q And did your lawyers explain to you that when you plead 10 to something you are saying that you are guilty of that crime, 11 do you understand that?	
14 MS. HABBA: This is unbelievable.		12 A Yes.	
15 Q Okay. For your HELOC, Mr. Cohen, did you not say that 16 you submitted to the bank application process, a bank that was 17 federally insured and is located in Manhattan, that you omitted 18 information. Was that not true?		13 Q And do you understand that right now in front of all 14 this press, in front of these lawyers, in front of the several 15 lawyers that you decided to bring in here today, you are 16 admitting that you lied to Judge Pauly. Do you understand that, 17 Mr. Cohen?	
19 A No. It states I did not correct the inaccurate 20 information on the form.		18 A I've already stated that, yes.	
21 Q Okay. Let's stop there. You did not correct the 22 inaccurate statement on the form. Did you sign that form?		19 Q So that --	
23 A Sign the form.		20 A In fact, it's actually in the document that we 21 presented to Judge Pauly.	
24 Q Okay. So you did not correct the inaccurate 25 information? Is that your way of saying I didn't lie because		22 Q Mr. Cohen, here's how this is going to work. You're 23 not on Mea Culpa. You're not on your podcast and you're not on 24 CNN. You're here with me?	
		25 MS. FAHERTY: Objection, Your Honor.	
M. Cohen - Plaintiff - cross (Habba)	Page 2297	M. Cohen - Plaintiff - cross (Habba)	Page 2299
1 you didn't correct an inaccurate information?		1 Q You're going to answer them yes or no.	
2 A No.		2 THE COURT: No speeches. Just ask the questions.	
3 Q Okay. Did you plead guilty to this?		3 MS. HABBA: Well, it works both ways, Your Honor.	
4 A I did.		4 Q You also submitted false sworn statements to the House 5 Select Committee approximately one year earlier on August 28, 6 2017. Isn't that correct?	
5 Q Okay.		7 A Yes.	
6 MS. HABBA: This -- I believe you said we're going 7 to stop at 4:40. This might be a good space.		8 Q And as a result of those false statements you pled 9 guilty to the crime of making false statements to the United 10 States Congress in violation -- and I'm going to say this slowly 11 -- of 18 USC 1001 Subsection A Subsection 2. Isn't that 12 correct?	
8 THE COURT: You don't want another five minutes?		13 A That's correct.	
9 MS. HABBA: Your Honor, if it's entertaining, I'm 10 happy to go all night. I can continue.		14 Q And in connection with accepting your plea deal, you 15 appeared before the Honorable Andrew Carter of the Southern 16 District of New York on November 29, 2018. Isn't that correct?	
11 THE COURT: All right. If you're willing, I value 12 every five minutes.		17 A That's correct.	
13 MS. HABBA: Sure, sure.		18 Q And when you were in front of Judge Carter, you were 19 required to answer a series of questions under oath, the same 20 oath that you're under right now, isn't that correct?	
14 Q So when you --		21 A That's correct.	
15 THE COURT: Five-minute warning.		22 Q And you admitted under oath that on August 28, 2017, 23 you submitted a false sworn statement to the Senate Select 24 Committee on Intelligence. Isn't that correct?	
16 MS. HABBA: Noted.		25 A Yes.	
17 Q You knew that that statement to Judge Pauly that you 18 were guilty of the HELOC was false, didn't you?			
19 A Yes.			
20 Q You affirmed under oath that the HELOC statement and 21 the deposition in your April 28, 2023 deposition that you lied 22 to Judge Pauly about the HELOC; isn't that correct?			
23 A Correct.			
24 Q So I just want to understand you were not lying in your 25 deposition, but you were lying to Judge Pauly. Is that your			

M. Cohen - Plaintiff - cross (Habba)	Page 2300
<p>1 Q And unlike your other plea hearing, you were being 2 honest with the judge this time; is that correct? 3 A Is there a question? 4 Q Yes. 5 A What is it? 6 Q Do you need me -- 7 MS. HABBA: Can we get a read back? 8 THE COURT: Read back, please. 9 (Whereupon, the requested portion of the 10 proceedings was read back by the court reporter.) 11 A Yes, that was correct. 12 Q And you stated that you did submit false sworn 13 statements to Congress, didn't you? 14 A Yes. 15 Q So you have lied under oath numerous times, Mr. Cohen, 16 isn't that correct? 17 A That's correct. 18 Q And you no longer have your law license, isn't that 19 correct? 20 A Asked and answered. 21 Q Answer the question, please, Mr. Cohen. 22 THE COURT: Just answer. 23 A Yes. 24 Q And that's because you were disbarred in 2019; correct? 25 A Correct.</p>	

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<p>1 MS. HABBA: Your Honor? 2 THE COURT: You want to stop? 3 MS. HABBA: This is right before our next section. 4 THE COURT: Okay. We'll resume tomorrow at 5 10 o'clock. 6 MS. HABBA: Thank you. 7 MR. KISE: Please remind the witness he's not to 8 talk to anyone, including his lawyers about his testimony. 9 THE COURT: Mr. Cohen, I hereby order you not to 10 talk to anybody, including your lawyers about this trial or 11 your testimony or anything related. 12 THE WITNESS: Yes, Your Honor. 13 THE COURT: Thank you. Have a good evening 14 everyone. 15 (Whereupon, the trial proceedings are adjourned to 16 Wednesday, October 24, 2023 at 10:00 a.m.) 17 18 19 20 21 22 23 24 25</p>	
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